



TUALATIN CITY COUNCIL

Monday, NOVEMBER 13, 2017

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 6:00 p.m.
BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Joelle Davis

Councilor Robert Kellogg

Councilor Paul Morrison

Councilor Jeff DeHaan

Councilor Frank Bubenik

Councilor Nancy Grimes

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR NOVEMBER 13, 2017

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council's Activities for November 2017
2. Starry Nights and Holiday Lights 2017 Announcement

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for the Work Sessions and Regular Meetings of October 23, 2017
2. Consideration of **Resolution No. 5344-17** Prohibiting Parking at Designated Locations on SW 104th Avenue Between SW Rayborn Court and SW Kellogg Drive
3. Consideration of **Resolution No. 5345-17** Authorizing the City Manager to Execute an Amendment to a Professional Services Contract with OBEC Consulting Engineers for Additional Services Related to Myslony Bridge
4. Consideration of **Resolution No. 5346-17** Awarding the Contract for the Myslony Bridge Project to Wildish Standard Paving Company and Authorizing the City Manager to Execute a Contract
5. Consideration of **Resolution No. 5347-17** Awarding the Contract for the SW 63rd Avenue Water Main Replacement Project to Trench Line Excavation, Inc. and Authorizing the City Manager to Execute a Contract

6. Consideration of **Resolution No. 5339-17** Authorizing the City Manager to Execute A Revocable Permit for the Private Encroachment of a City Slope Easement on 19215 SW 49th Court

E. SPECIAL REPORTS

1. Annual Report of the Juanita Pohl Center Advisory Committee

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Ordinance No. 1405-17** Relating to the Planning Commission and Amending Tualatin Municipal Code Chapter 11-01
2. Consideration of **Ordinance No. 1406-17** to establish the Planning Commission as the Review Authority for Conditional Use Permits; and Amending Tualatin Development Code Chapters 2, 31, and 32
3. Consideration of Council Rules

G. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

H. COMMUNICATIONS FROM COUNCILORS

I. ADJOURNMENT

City Council Meeting

Meeting Date: 11/13/2017

ANNOUNCEMENTS: YAC Update

ANNOUNCEMENTS

Tualatin Youth Advisory Council's Activities for November 2017

SUMMARY

A. YAC Update



November 13, 2017

TUALATIN YOUTH ADVISORY COUNCIL

Haunted House 2017

- Theme: Haunted Prison
- 375 people attended
- Thank you to Facilities staff for helping build the set!



Starry Nights and Holiday Lights

- Friday, December 1
- Choir performances
- Holiday tree lighting
- Visit from Santa
- Crafts
- Holiday cards to soldiers



Coming Soon

- Park After Dark teen nights at Van Raden Center
- Project FRIENDS planning



City Council Meeting

Meeting Date: 11/13/2017

ANNOUNCEMENTS: Starry Nights and Holiday Lights 2017

ANNOUNCEMENTS

Starry Nights and Holiday Lights 2017 Announcement

A. Starry Nights

The City of Tualatin's

Starry Nights & Holiday Lights

Friday, December 1, 2017 5:00-8:30 pm



Join us at The Lake at Tualatin Commons for:

- The lighting of Tualatin's floating holiday tree.
- Children's choirs from Tualatin schools.
- Refreshments and a visit from Santa!



The Tualatin Commons is located at 8325 SE Nyberg Street, Tualatin, OR 97062
For more information call 503-691-3061 or go to www.tualatinoregon.gov



City of Tualatin



Performances by:
Tualatin High School Brass Ensemble
Tualatin High School Crimsonnaires
Magic Years Preschool Choir
Bridgeport Elementary Holiday Choir
Tualatin Elementary Choir
Byrom Elementary Choir
Twality Middle School Treble Choir
Hazelbrook Middle School Choir



Count down to tree lighting at 6:00pm



The City of Tualatin's

Starry Nights & Holiday Lights

Friday, December 1, 2017 5:00-8:30 pm



Join us at The Lake at Tualatin Commons for:

- The lighting of Tualatin's floating holiday tree.
- Children's choirs from Tualatin schools.
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The Tualatin Commons is located at 8325 SE Nyberg Street, Tualatin, OR 97062
For more information call 503-691-3061 or go to www.tualatinoregon.gov



City of Tualatin



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 11/13/2017

SUBJECT: Consideration of Approval of the Minutes for the Work Sessions and Regular Meetings of October 23, 2017

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Sessions and Regular Meetings of October 23, 2017.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of October 23, 2017](#)
[City Council Regular Meeting Minutes of October 23, 2017](#)



Present: Mayor Lou Ogden; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Absent: Councilor Frank Bubenik

Staff Present: City Attorney Sean Brady; Police Chief Bill Steele; Finance Director Don Hudson; Deputy City Recorder Nicole Morris; Assistant City Manager Alice Cannon; Management Analyst II Kelsey Lewis; City Engineer Jeff Fuchs; IS Director Bates Russell

CALL TO ORDER

Mayor Ogden called the meeting to order at 6:01 p.m.

1. ***Transportation Funding: Neighborhood Safety & Local Congestion Relief.***

Assistant City Manager Alice Cannon and Finance Director Don Hudson presented information on transportation funding. Manager Cannon recapped the Council priorities list from the Advance in February of 2017. Director Hudson provided a list of potential improvement projects that could be funded and potential revenue sources. Potential revenue sources included state and local transportation revenue from the 2017 State Transportation Package, the Washington County Vehicle Registration Fee, and potential local funding from a city utility fee. Bond options that could be considered include a revenue or full, faith and credit bond or a general obligation bond. Director Hudson explained the city has traditionally funded projects like this through the “pay as you go” process but bonding could be an option.

Mayor Ogden asked if there is a practical minimum amount for a general obligation bond. Director Hudson stated there isn't a minimum amount.

Councilor Kellogg stated his option would be the full, faith, and credit bond.

Councilor Morrison asked what a realistic dollar amount the City could raise through a bond would be. Director Hudson states the City does have a debt limit so it would not be able to exceed that amount.

Councilor Kellogg stated some of the example projects appear both in the Transportation Systems Plan and Capital Improvement Plan, he asked how those projects would be shifted around for funding. Director Hudson stated they are both planning tools, which means they are not necessarily funded.

Councilor DeHaan asked if the City could borrow the funds needed and use the new incoming funding from the State and the County to pay it back. Director Hudson stated that is possible.

Councilor DeHaan asked if the projects funded would realistically deliver value to

transportation in Tualatin. Manager Cannon stated outreach and opinion research would have to be conducted on the projects to gauge priority with citizens.

Council President Davis stated she feels the full, faith and credit bond is the best route for Tualatin. She would also be in favor of exploring a city-wide utility fee.

Councilor Morrison asked if the funding from the State and County is only for maintenance or if it could be used for capital projects. Manager Cannon stated the City has a dedicated maintenance fee already but the new dollars could be comingled between maintenance and capital improvement.

Councilor DeHaan stated he is in favor of a vote on a bond.

Councilor Kellogg asked if the county funding has any growth built into it. Director Hudson stated he is unsure of the exact number but there is anticipated growth in those dollars.

Mayor Ogden cautioned against spending all of the new incoming funds on transportation projects. He would like to see some research done of the public's feelings regarding this before going forward with a bond.

Councilor Kellogg would like to see some of the new funding put into traffic calming projects.

Manager Cannon stated staff will conduct opinion polling in small meetings and town halls to compare traffic issues against other city issues.

Councilor Grimes stated she would like to see the safety and traffic mitigation problems separated. She would only be interested in sending the traffic mitigation issues to a bond.

Council Meeting Agenda Review, Communications & Roundtable.

None.

ADJOURNMENT

The work session adjourned at 6:58 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR OCTOBER 23, 2017

Present: Mayor Lou Ogden; Council President Joelle Davis; Councilor Nancy Grimes;
Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Absent: Councilor Frank Bubenik

Staff Present: City Attorney Sean Brady; Police Chief Bill Steele; Planning Manager Aquilla
Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant City Manager Alice
Cannon; City Engineer Jeff Fuchs; IS Director Bates Russell; Associate Planner
Charles Benson

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:04 p.m.

B. ANNOUNCEMENTS

1. Proclamation Declaring October 23-31, 2017 as Red Ribbon Week in the City of Tualatin

Members of the StandUp Tualatin group from Tualatin High School came to accept the proclamation. Members explained the group was formed to promote healthy choices through positive social norms and to educate peers and members of the community. Red Ribbon Week activities were summarized.

Councilor Morrison read the proclamation declaring October 23-31, 2017 as Red Ribbon Week in the City of Tualatin.

2. Recognition of Lily Roth on her Achievement of the Girl Scout Gold Award

Lily Roth stated her community services project was to inventory and create an asset management program for the band and choir equipment for the high school. Upon completion of this project she received her Girl Scout Gold Award.

Mayor Ogden presented Ms. Roth with an award of recognition for completion of the Girl Scout Gold Award.

C. CITIZEN COMMENTS

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David Nelson, resident of Alabama Street, presented the Council with a petition for a permit parking zone along the street. He stated overflow parking from the high school is causing issues along their street. Chief Steele explained the process for acquiring such a permit. He will work with the resident through the process.

Dale Potts invited the Council to the Veteran’s Appreciation Day Breakfast on November 9 at the Juanita Pohl Center.

Jay Wilcox, resident of Sioux Court, inquired how to proceed with establishing permit parking along their street. He stated overflow parking from the apartments nearby are causing parking issues for the residents.

D. CONSENT AGENDA

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MOTION by Council President Joelle Davis, SECONDED by Councilor Nancy Grimes to adopt the consent agenda.

Aye: Mayor Lou Ogden, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Councilor Frank Bubenik (Absent)

MOTION CARRIED

1. Consideration of Approval of the Minutes for Regular Council Meeting of October 9, 2017
2. Consideration of **Resolution No. 5343-17** Authorizing a One-Year Extension of the Street Sweeping Contract with Great Western Sweeping, Inc.

E. SPECIAL REPORTS

1. Quarterly Financial Report

Finance Director Don Hudson presented the quarterly financial report. He spoke to budget actuals for the 2017/18 Operating Fund. Budget highlights for this year include growth in the Pumpkin Regatta, the painting of the wave rail, new city positions, new activities in the library, implementation of an electronic document management system, and the transition to an electronic newsletter. Director Hudson stated the property tax rolls have been certified. The City budgeted property taxes at 4% and the actual rate was certified at 4.67% adding an additional \$90,000 to the budget. Director Hudson explained the Municipal Cost Index and how the city uses it to measure the cost of labor, materials, and contract services. Current employment data for the City of Tualatin was reviewed. Director Hudson stated the FY 16/17 audit field work has completed and the auditors are working on the final report to be released in December. He also provided and updated on the Governor's PERS Unfunded Actuarial Liability Task Force. The City received its first marijuana tax payment of \$80,000. Director Hudson reviewed the city's Moody's Annual Comment Report noting the city's credit position is very high and has an Aa1 rating.

Councilor Kellogg asked about the PERS assumed rate of return. Director Hudson explained the assumed actuarial rate. He noted since the rate was lower than anticipated it will increase the city's rate.

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of an Amendment to Tualatin Development Code Chapters 2, 31, and 32 to Revise Review Authority for Conditional Use Permits from the City Council to the Tualatin Planning Commission.

Planning Manager Aquilla Hurd-Ravich and Associate Planner Charles Benson presented a proposed Plan Text Amendment (PTA) to change reviewing authority of conditional use permits (CUP) from the City Council to the Tualatin Planning Commission. Manager Hurd-Ravich presented background on the proposed PTA. Planner Benson stated the purpose of the change in authority is to increase public engagement and reduce Council land use caseload. The recent CUP history was reviewed. Proposed amendments to TDC Chapter 31 and Chapter 2 were presented. PTA approval criteria were reviewed and staff found the standards to meet the approval criteria. The proposed amendments were presented to the Planning Commission as a draft and they recommend approval.

PUBLIC COMMENT

None.

COUNCIL QUESTIONS

Councilor Kellogg asked how moving authority will increase public involvement. Planner Benson stated that it adds another level of local review.

Councilor Kellogg asked if staff finds a PTA meets the criteria if it has to go forward to the Commission for approval. Attorney Brady stated the staff reports is based off facts in the application and the hearing is to have further evidence presented not on the application.

MOTION by Councilor Jeff DeHaan, SECONDED by Council President Joelle Davis to adopt Plan Text Amendment (PTA 17-01) to the Tualatin Development Code (TDC) Chapters 2, 31, and 32 to change the review authority for conditional use permits from the City Council to the Tualatin Planning Commission.

Aye: Mayor Lou Ogden, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Councilor Frank Bubenik (Absent)

MOTION CARRIED

G. COMMUNICATIONS FROM COUNCILORS

Councilor Kellogg thanked all staff and volunteers who were involved with the Pumpkin Regatta. He stated it was another successful year.

Council President Davis echoed Councilor Kellogg's sentiments. She added that all of the ducks available for sale for the Tualatin Community Police Foundation were sold.

H. ADJOURNMENT

Mayor Ogden adjourned the meeting at 8:31 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tony Doran, Engineering Associate
Jeff Fuchs, Public Works Director/City Engineer

DATE: 11/13/2017

SUBJECT: Consideration of **Resolution No. 5344-17** Prohibiting Parking at Designated Locations on SW 104th Avenue Between SW Rayborn Court and SW Kellogg Drive

ISSUE BEFORE THE COUNCIL:

Consideration of Resolution No. 5344-17, prohibiting parking at designated locations on SW 104th Avenue between SW Rayborn Court and SW Kellogg Drive associated with new traffic control devices intended to improve intersection safety.

RECOMMENDATION:

Approve Resolution 5344-17 to prohibit parking at designated locations on SW 104th Avenue between SW Rayborn Court and SW Kellogg Drive.

EXECUTIVE SUMMARY:

Tualatin Municipal Code (TMC) 8-3-030 provides that subject to state laws, the City Council shall exercise all municipal traffic authority for the City by resolution except those powers specifically and expressly delegated.

Consistent with TMC 8-3-030, this resolution prohibits parking at designated locations on SW 104th Avenue between SW Rayborn Court and SW Kellogg Drive. Specifically, parking will be prohibited in both northbound and southbound lanes adjacent to a recently installed traffic channelizing island (and its associated centerline taper striping) near the intersection of SW 104th Avenue and SW Rayborn Court. Prohibiting parking adjacent to the channelizing island will maintain minimum lane widths necessary for vehicles to operate on the roadway.

OUTCOMES OF DECISION:

The City will install No Parking signs along portions of SW 104th Avenue between SW Rayborn Court and SW Kellogg Drive to prohibit parking adjacent to and preceding a recently installed traffic channelizing island.

FINANCIAL IMPLICATIONS:

The no parking signs will be paid for from the road operating fund.

Attachments: A - Resolution
 B - No Parking Plan

RESOLUTION NO. 5344-17

A RESOLUTION PROHIBITING PARKING ON PORTIONS OF SW 104TH AVENUE

WHEREAS, Tualatin Municipal Code (TMC) 8-3-030 provides that subject to state laws, the City Council shall exercise all municipal traffic authority for the City by resolution except those powers specifically and expressly delegated; and

WHEREAS, the City Council has decided to prohibit parking along a portion of SW 104th Avenue.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. No person may stop, stand, or park a vehicle on SW 104th Avenue between SW Rayborn Court and SW Kellogg Drive at any place where a traffic control device prohibits stopping, standing, or parking.

Section 2. The City Manager, or the City Manager's designee, is authorized to determine locations and placement of any traffic control device to prohibit stopping, standing, or parking to carry out the provisions of Section 1 of this resolution.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 13th day of November, 2017.

CITY OF TUALATIN, OREGON

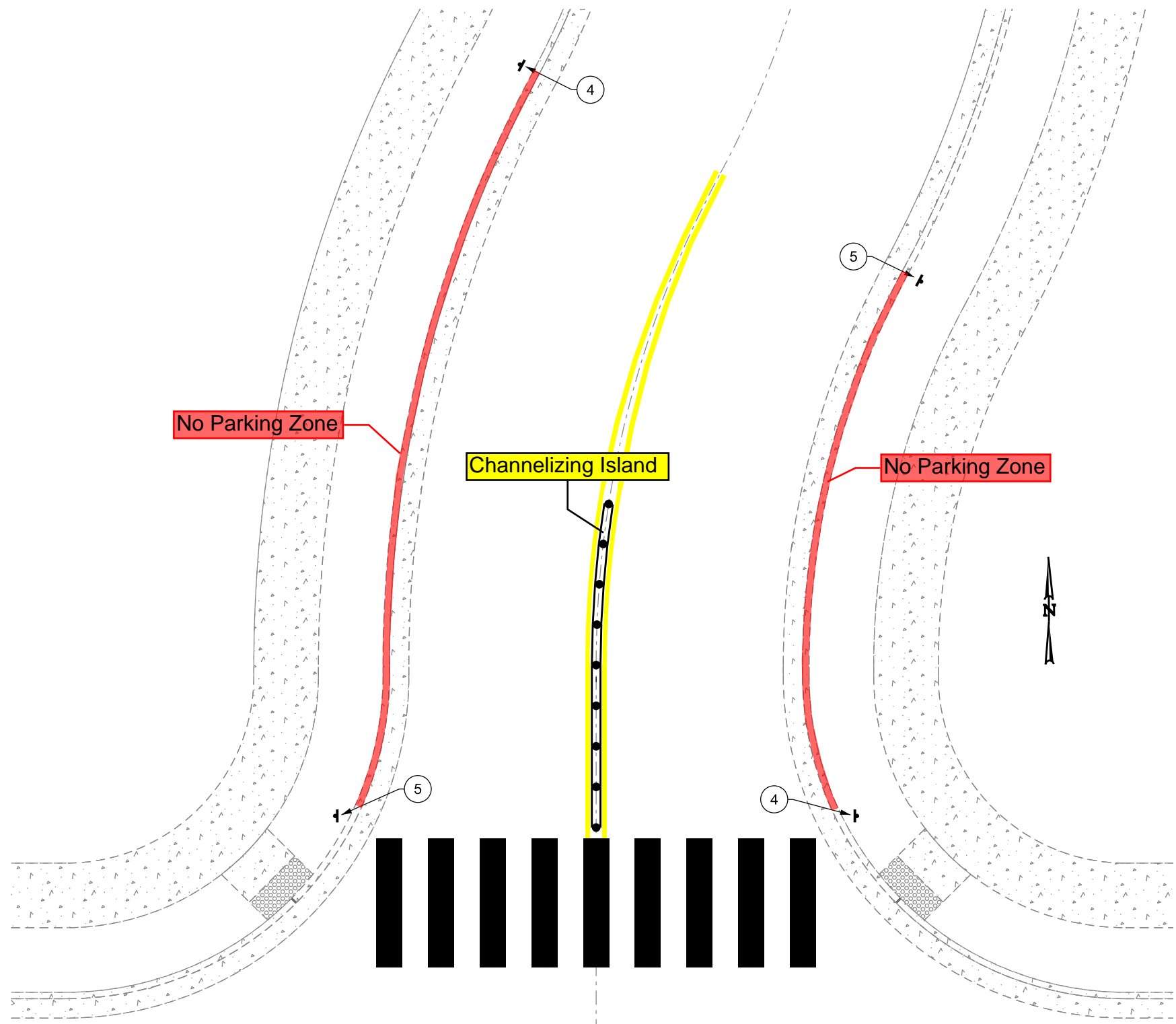
BY _____
Mayor

APPROVED AS TO FORM

BY _____
City Attorney

ATTEST:

BY _____
City Recorder



No Parking Zone

Channelizing Island

No Parking Zone

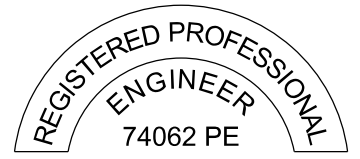


- CONSTRUCTION KEYNOTES:
- ④ Install "No Parking Any Time" (Left Arrow) Sign (R7-1)
 - ⑤ Install "No Parking Any Time" (Right Arrow) Sign (R7-1)

SW Rayborn Ct

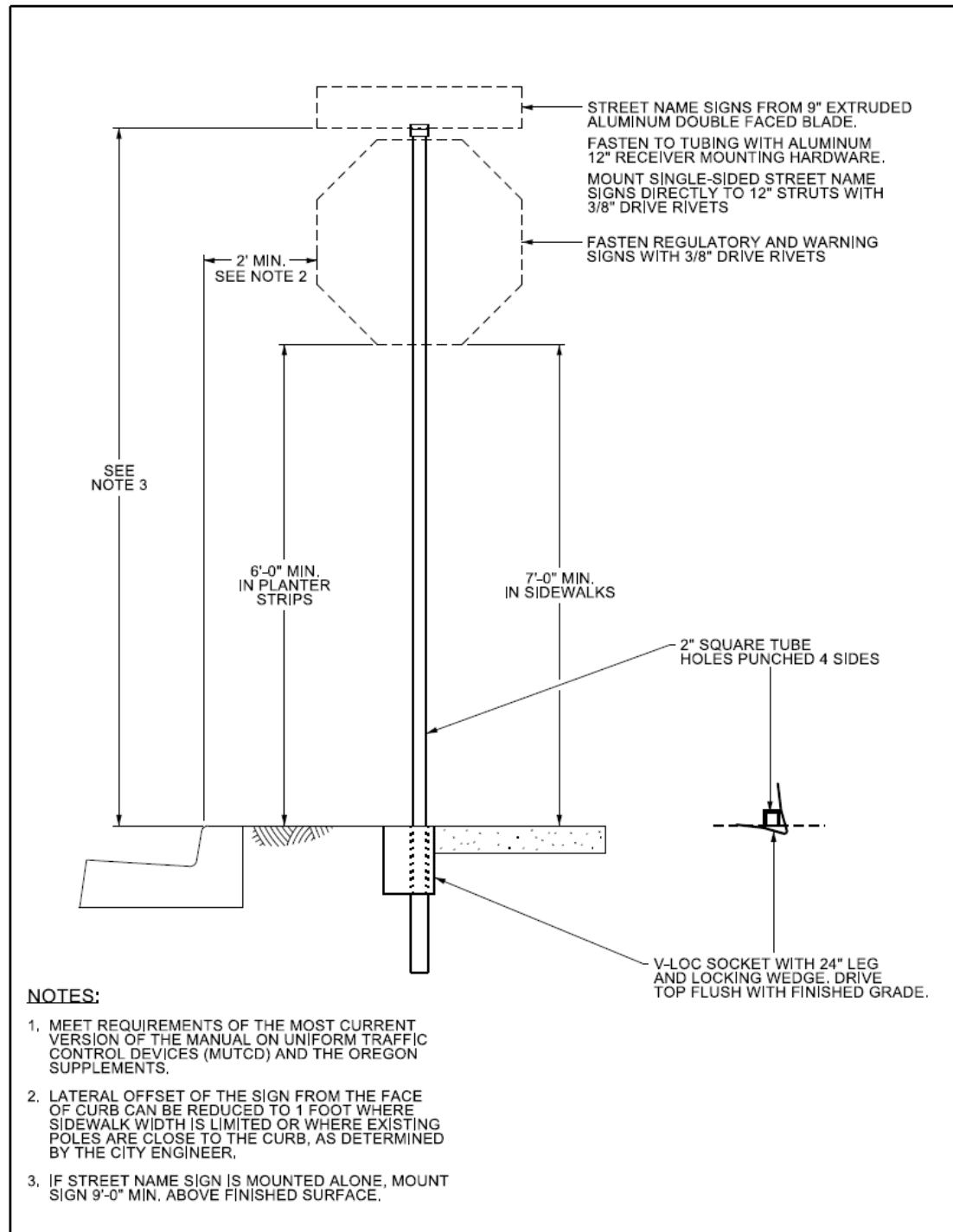
SW Rayborn Ct & SW104th Ave

SCALE: 1" = 10'



RENEWS:



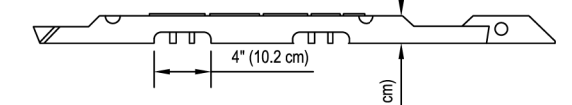
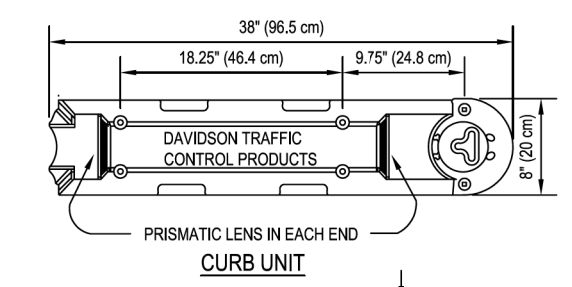


		STREET SIGN POST	
REVISED:	11/22/2016	DRAFTED BY:	M. PALMER
EFFECTIVE:	12/31/2016	APPROVED BY:	J. FUCHS
			DRAWING NO: 516

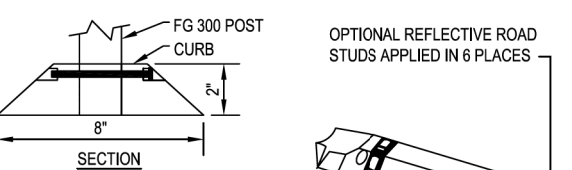


PEXCO, DAVIDSON TRAFFIC CONTROL PRODUCTS
 3110 70TH AVENUE EAST
 TACOMA, WA 98424
 TOLL FREE: 1-877-335-4638
 PHONE: (253) 284-8000
 FAX: (253) 284-8080
 www.davidsontraffic.com

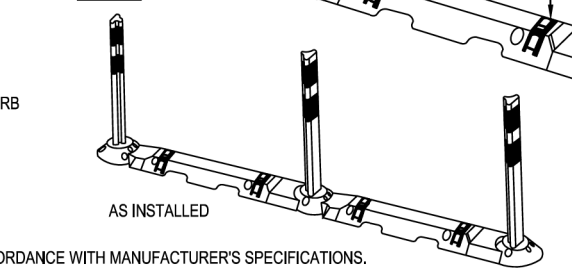
- SELECT DESIRED POST
- EFX GRADE
- UR GRADE
- SPECIFY DESIRED HEIGHT
- 18"
- 36"
- 24"
- 42"
- 28"
- 48"
- CUSTOM (SEE NOTE 4)
- SELECT DESIRED POST COLOR
- WHITE
- YELLOW
- ORANGE
- CUSTOM (SEE NOTE 3)
- SELECT DESIRED REFLECTIVE SHEETING
- REFLEXITE AR 1000
- 3M HIGH INTENSITY GRADE
- SELECT DESIRED SHEETING COLOR
- WHITE
- YELLOW
- BLUE
- CUSTOM (SEE NOTE 3)
- SELECT DESIRED OPTIONAL VP
- 4" X 22" VERTICAL PANEL
- 8" X 33" VERTICAL PANEL



SINGLE CURB SECTION SHOWN WITH FG336 MODEL EFX POST AND 2 3"x9" AR1000 WRAPS



OPTIONAL REFLECTIVE ROAD STUDS APPLIED IN 6 PLACES



4 OR 6 ANCHOR BOLTS PER CURB

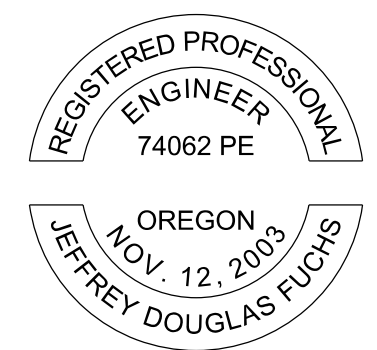
- NOTES:**
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
 2. DO NOT SCALE DRAWINGS.
 3. POSTS AND REFLECTIVE SHEETING ARE AVAILABLE IN CUSTOM COLORS. CONTACT MANUFACTURER.
 4. FLEXI-GUIDE POSTS CAN BE CUT TO ANY LENGTH YOU DESIRE. CALL FOR DETAILS.
 5. POSTS MAY BE ORDERED W/ FACTORY APPLIED, HIGH INTENSITY OR PRISMATIC SUPER HIGH INTENSITY RETRO-REFLECTIVE SHEETING. SPECIFY TYPE, COLOR AND SIZE WHEN ORDERING.
 6. CONTRACTORS NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info REFERENCE NUMBER 644-036.

FG 300 INTERSTATE GRADE CURB SYSTEM

644-036
 PROTECTED BY COPYRIGHT ©2012 CADdetails.com LTD.



www.CADdetails.com



RENEWS:

CITY OF TUALATIN
 18880 SW MARTINAZZI AVENUE, TUALATIN, OR 97062



PROJECT NAME	Rayborn Estates Channelizing Island
SHEET TITLE	Details



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tony Doran, Engineering Associate
Jeff Fuchs, Public Works Director/City Engineer

DATE: 11/13/2017

SUBJECT: Consideration of **Resolution No. 5345-17** Authorizing the City Manager to Execute an Amendment to a Professional Services Contract with OBEC Consulting Engineers for Additional Services Related to Myslony Bridge

ISSUE BEFORE THE COUNCIL:

Contract amendment to include additional scope and fee for completing design and managing construction of the Myslony Bridge project.

RECOMMENDATION:

Staff recommends Council approve the resolution to allow the City Manager to amend OBEC's contract to provide additional services.

EXECUTIVE SUMMARY:

The City entered into a contract with OBEC Consulting Engineers for engineering design services for the construction of Myslony Bridge and waterline in December of 2015. Two amendments for additional services were approved in March and August of 2016. This amendment updates OBEC's contract to include additional services provided during design and adds services for engineering, surveying, and inspection during the construction of the bridge and waterline. This amendment is necessary for construction of the bridge project.

Because the cost of the amendment is more than 10% of the original contract amount, City Council authorization is required to amend the contract.

FINANCIAL IMPLICATIONS:

Funds for this \$179,254.90 amendment are available as budgeted in the Road Operating and Water Operating Funds. This value of this amendment is 8.5% of the total construction cost, which is well within expected costs for providing engineering services during construction.

Attachments: [A - Resolution](#)

B - Amendment

RESOLUTION NO. 5345-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT OF A PROFESSIONAL SERVICES CONTRACT WITH OBEC CONSULTING ENGINEERS FOR ADDITIONAL SERVICES.

WHEREAS, the City signed an agreement with OBEC Consulting Engineers for engineering design services for the Myslony Bridge project in December of 2015; and

WHEREAS, the City and OBEC Consulting Engineers signed amendments to that agreement in March and August of 2016; and

WHEREAS, the Parties wish to enter into an amendment to the agreement to include additional design and services during construction which total more than 10% of the original agreement price; and

WHEREAS, funds are available for this project in the Road Operating and Water Operating Funds;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager is authorized to execute an amendment (Amendment 3) to the existing agreement with OBEC Consulting Engineers in the amount of \$179,254.90.

Section 2. The City Manager or designee is authorized to execute Change Orders totaling up to 10% of the amended agreement price.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 13th day of November, 2017.

CITY OF TUALATIN OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST

BY _____
City Attorney

BY _____
City Recorder

**AMENDMENT 03 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF TUALATIN AND OBEC CONSULTING ENGINEERS**

This Amendment 03 to the Professional Services Agreement (Amendment 03) is entered into by and between the City of Tualatin, Oregon ("City") and OBEC Consulting Engineers ("Provider"), and are collectively referred to as the "Parties."

- A. On or about December 14, 2015, the Parties entered into a Professional Services Agreement.
- B. The Parties wish to enter into this Amendment 03 to amend the Professional Services Agreement to expand the scope of work.

NOW THEREFORE, the Parties agree as follows:

Section 1. The Professional Services Agreement is amended to provide an additional scope of work as set forth in the Scope of Professional Services and Payment Schedule, both of which are set forth in Exhibit A, which is incorporated herein.

Section 2. Except to the extent modified by this Amendment 03, the Professional Services Agreement, remains in full force and effect. To the extent that any provision of the Professional Services Agreement conflicts with a term of this Amendment 03, this Amendment 03 controls.

Section 3. This Amendment 03 is effective upon the date of the last signature below.

City of Tualatin, Oregon:

OBEC Consulting Engineers:

By: _____ Date: _____ By: _____ Date: _____

EXHIBIT A

SCOPE OF PROFESSIONAL SERVICES

For

AMENDMENT 3 – ADDITIONAL ENGINEERING SERVICES – Myslony Bridge: West of 112th Ave

The purpose of Amendment 3 is for additional engineering services completed during design and to provide Construction Contract Administration and Construction Engineering & Inspection (CA/CEI) Services including construction survey during the construction of the Myslony Bridge project.

TASK 1 PROJECT MANAGEMENT

Task 1.1 Overall Project Management

Provide additional project management and design oversight for the consultant team. Keep the city apprised of work progress, project issues, resolutions and changes affecting the design, schedule or project budget by providing a monthly progress report with each monthly invoice. Submit project invoices monthly, including a breakdown of hours spent by each individual on each task. Maintain a comprehensive project file, which must include engineering computations, assumptions, meeting agendas and minutes, working drawings, correspondence and memoranda.

Assumptions

- Project Management tasks are assumed to be **22 months (14 additional months)** in duration to match the overall design schedule.

Deliverables

- Invoices and progress reports (monthly)

Schedule

Task shall be continuous throughout project design phase duration.

Task 1.2 Project Meetings

Two additional one hour (1) meetings for up to one (1) OBEC employee for coordination related to design changes and project schedules.

TASK 7 HYDRAULIC AND STORMWATER STUDIES

Task 7.2 Stormwater Alternatives Analysis and Design

Revise stormwater analysis for runoff at the bridge replacement site for the redesign efforts associated with narrowing the overall cross section to avoid the Greenway Tract on the North Side of the project.

Deliverables:

- A summary of the Stormwater Analysis and Design results shall be provided in the deliverables for Task 7.3

Task 7.3 - Stormwater Management Report

Revise the draft “Preliminary Stormwater Management Report” for the redesign efforts associated with narrowing the overall cross section to avoid the Greenway Tract on the North Side of the project.

Deliverables:

- One (1) electronic copy in PDF format of Draft Stormwater Management Report to be delivered as part of the preliminary design report as described in Task 13.1.

TASK 8 UTILITY DESIGN

Task 8.2 Prepare 30% Water Line PS&E

Revise the 30% water line plans and estimate as a result of a change in waterline from 12” to 16” diameter. The additional effort included revision of three plan sheets.

Deliverables

- Changes to be incorporated into 95% waterline design documents

TASK 9 ROADWAY DESIGN

Subtask 9.2 Prepare 30% Roadway PS&E

Revise the 30% Roadway plans to account for avoiding the Greenway Tract at the north of the project. Design includes two additional design iteration submittals. Iterations included modeling of the horizontal and vertical roadway alignments to optimize the location of the road relative to right-of-way and greenway impacts. Additional redesign for ADA ramps and new driveway apron.

Deliverables

- Two (2) 11" x 17" electronic copies of roadway alternative plan drawings.

TASK 10 BRIDGE DESIGN

Task 10.2 Prepare 30% Bridge PS&E

Revise the 30% Bridge plans to account for avoiding the Greenway Tract at the north of the project. The changes resulted in modifications to the retaining wall and bridge abutment drawings and calculations for a narrower structure and additional retaining walls along the north

side of the bridge. Additional redesign for pipeline hangers as a result of the change in pipeline diameter.

Deliverables

- Changes to be incorporated into 95% bridge design documents

TASK 11 LANDSCAPE DESIGN (Removed From Scope)

TASK 16 PROJECT MANAGEMENT OF CA/CEI SERVICES

This activity is continuous throughout the duration of these CA/CEI Services. Consultant shall guide and direct the CA/CEI Services and Consultant’s team in conformance with Contract requirements of the CA/CEI Services and the Project’s goals and objectives. Consultant shall monitor progress of the Project and CA/CEI Services

Task 16.1 Coordination

Provide leadership, direction and control of these CA/CEI Services

Consultant shall:

- Direct Consultant’s team with regard to overall CA/CEI activities and team meetings.
- Maintain liaison, communication and coordination between Consultant’s staff, and City staff to facilitate timely, efficient operations for all involved.

Deliverables:

- On-going coordination and communication as needed to appropriately manage the CA/CEI Services (no tangible deliverables for this task).

Task 16.2 Status Reports and Invoices

Prepare up to 12 Monthly Status Reports throughout the duration of the CA/CEI Services. See Section E.1, Project Schedule.

The Monthly Status Report must:

- Describe the previous month’s Consultant activities.
- Describe the planned activities for the next month.
- Identify any issues or concerns that may affect the CA/CEI Services and budget or the Project schedule and Project budget...

Deliverables

Monthly Status Report - Submitted to City with the monthly invoice no later than the 10th calendar day of the month following the reporting month.

TASK 17 CONSTRUCTION CONTRACT ADMINISTRATION/CONSTRUCTION ENGINEERING and INSPECTION

Support the Project's needs by providing CA/CEI Services to assist the City to ensure the Project is constructed according to the Plans and Specifications. Engage the Professional of Record (POR) as required to provide engineering Services required to administer design changes that may become necessary during the construction phase of the work.

Task 17.1 Pre-Construction Conference

Attend the Pre-Construction Conference before On-Site Work Begins. Attendees will include the CC, permitting agencies, City officials and others as may be appropriate to discuss the construction schedule, utility involvement, permit concerns, required documentation submittals, materials, construction surveying and other items relevant to the construction of the Project.

Consultant shall:

- Attend and participate in Pre-Construction Conference.

Task 17.2 Project Progress Meetings

Attend periodic Project Progress Meetings with the CC and others as needed, including but not limited to, permitting agencies and City officials. The Project Progress Meetings are intended to promote Project progress, proper communications, effective working relationships and timely issue resolution.

Attend additional activity-specific technical kick-off meetings for various activities required by the construction contract. These activities may include, but are not limited to:

- Concrete Deck Placement
- Pile Driving
- HMAC Paving

Consultant shall:

- Attend Project Progress & activity-specific Meetings as needed, or as agreed to by the City.

ASSUMPTIONS FOR BUDGETING PURPOSES: Project Progress Meetings are assumed to be weekly (during active construction) with no more than 2 Consultant staff attending and up to 16 total meetings are assumed.

Task 17.3 Shop Drawing and Submittal Review

Review construction shop drawings and working drawings submitted either electronically or in paper form by the CC. Log in the submittal when it arrives, track the submittal to ensure timely response, and log out the reviewed submittal when it is returned to the CC.

Review the following submittals:

- Traffic control plans
- Erosion control plans
- Pollution control plans
- Machine control survey submittals
- Drainage structures (manholes and inlets) shop drawings
- Work containment plans and systems
- Shoring and falsework calculations and drawings
- Reinforcing steel shop drawings
- Prefabricated concrete shop drawings
- Pile and driving equipment submittal
- Structural concrete mix designs
- Bridge rail and protective fencing shop drawings
- Lighting pole and traffic signal pole submittals
- Electrical equipment and materials

Deliverables:

- Return approved shop drawings with comments:
 - 1 Electronic copy to the City.

Task 17.4 Consultation during Construction

Provide consultation and technical Services regarding design issues raised during construction of the Project. Clarify construction contract documents and provide written responses to Requests for Information (“RFIs”). The design consultation will occur only as required and may be ongoing throughout the CA/CEI Services and the Project.

Upon request of the CC or the City during construction, Consultant shall:

- Clarify construction contract documents.
- Respond to field inquiries.
- Engage the services of the POR on all matters involving design changes.

NOTE: Design requests must be initiated by either the City or Consultant using a Change Request Form or a RFI. A response to an RFI may also initiate a Change Request or a formal contract amendment for Consultant or CC. No work shall be conducted on a Change Request until the City approves the request and the appropriate change order document is approved. The Change Request must clearly outline Consultant’s cost, the estimated construction cost, and the cause of the change.

Deliverable:

- Written documentation of responses to CC or City inquiries – Submit 1 copy to the City within 2 business days of inquiry, unless other delivery date is agreed to by the City.

Task C17.5 Design Modifications [CONTINGENCY TASK, see Sec. F]

If Consultant or CC determines that design modifications may be necessary, Consultant shall discuss potential changes with the City and POR prior to verbally agreeing on changes with CC or preparing the appropriate contract change order documents, depending upon the type of work (changed work, extra work, or force account work). Upon request of the City, Consultant shall work with the POR to prepare detailed engineering design revisions necessitated by conditions encountered during construction. These design revisions must be accompanied by the necessary contract change order documents (CCO, EWO or SFO) to make them a part of the construction contract.

Deliverables:

- Design details for modifications (prepared or approved by the POR for appropriate changes to Project design) - Submit to the City at a date agreed to when work was requested.

Task C17.6 Claim(s) Support [CONTINGENCY TASK, see Sec. F]

If authorized by the City, provide support to the City to review and respond to any and all claims submitted by the CC. Consultant tasks for claim(s) support may include:

- Prepare memoranda and supporting documentation (photo logs, inspection reports, memos, drawings, etc.) related to claims.
- Provide consultation related to claims (in person, via telephone or email).
- Attend claim resolution meetings.
- Prepare a claim decision.

ASSUMPTIONS FOR BUDGETING PURPOSES: This task assumes no more than 76 hours for claim(s) support. Assume up to 1 claim, each requiring 2 staff to do 2 days of preparation and attend up to 2 all day meetings for each claim, plus Principal and PM reviews and clerical assistance.

Deliverables:

The deliverables for claim(s) support may include but are not limited to:

- Memoranda and supporting documentation (photo logs, inspection reports, memos, drawings, etc.) related to claims
- Consultation related to claims (in person, via telephone or email)
- Attendance at claim resolution meetings
- Claim decision

TASK 18 CONSTRUCTION, ENVIRONMENTAL COMPLIANCE AND WORK ZONE MONITORING AND INSPECTION

Provide on-site monitoring and inspection of construction for conformance with, and shall enforce compliance with, construction contract documents. Coordinate and conduct on-site monitoring and inspections so they do not cause unnecessary adverse impacts to the construction schedule. On-site monitoring and inspections must occur at critical times during the construction process based on the CC schedule.

Task 18.1 Environmental Compliance and Mitigation Monitoring

Perform compliance and mitigation monitoring related to environmental conservation measures agreed upon with State and Federal regulatory agencies through permit conditions and as included in the construction contract. This task involves conducting environmental inspection site visits during the construction phase of the Project, typically to document compliance with the environmental permits, including effectiveness of best management practices, avoidance and minimization measures, challenges encountered and corrective actions.

Conduct site environmental inspections site visits to assist CC and the City in maintaining compliance with issued regulatory permits and the special provisions.

Provide documentation of the construction process relative to this environmental compliance.

Review the CC's submittals for compliance with the construction contract and permits:

- Temporary Water Management Plan (TWMP),
- Work Containment Plan and System (WCP/WCS),
- Erosion and Sediment Control Plan (ESCP),
- Pollution Control Plan (PCP), and

Evaluate onsite conditions and construction techniques during environmental inspections site visits to assess compliance with Project permits, the PCP, the ESCP, proposed site rehabilitation measures, and general environmental conservation measures. Identify deficiencies and potential permit compliance issues and provide guidance to the City, LPA and CC to aid in avoiding potential regulatory agency involvement or violations.

Based on the Project's significant site rehabilitation measures (to offset Project impacts), provide input and clarifications during construction activities to facilitate biological functioning as outlined in Project permits.

In the event that deficiencies are noted, Consultant's Environmental Specialist shall immediately bring the deficiency to the attention of the CC and the City, recommend a corrective course of action to comply with environmental regulations, performance standards, and permit conditions.

Conduct environmental inspection site visits weekly during the wet season and bi-weekly during the dry season; a brief construction environmental inspection report or monitoring memorandums will be prepared summarizing site conditions and providing recommended measures to facilitate permit compliance and correct deficiencies.

ASSUMPTIONS FOR BUDGETING PURPOSES: This task assumes up to 20 site visits for Environmental Compliance & Mitigation Monitoring.

Task 18.1 Deliverables:

- Reviewed Contractor submitted Erosion Control Monitoring Reports (Form 734-2361) for compliance no later than 2 weeks after each inspection site visit. Maintain in the Project files and submit with final Project documentation as defined in Task 5.4.
- Completed Consultant construction monitoring memorandums– If compliance issues are noted, document the deficiencies, recommendations and corrective action taken to correct deficiencies. Submit 1 copy to CC, and the City within 5 business days after the monitoring site visit.
- General Daily Progress Reports / Project Diary – Complete daily when performing onsite visits. Maintain in Project files and submit originals with final Project documentation as defined in task 5.4
- Project Photography / Photo Logs – Submit with reports (when applicable) and final Project documentation as defined in task 5.4.

Task 18.2 Construction Activity Monitoring

Provide inspection concurrently with the CC's operation. Coordinate closely with CC to ensure on-site inspections are coordinated with the construction schedule. Prepare General Daily Progress Reports of construction for days Consultant is on site. Take photos of the various construction activities and include them with the General Daily Progress Report.

ASSUMPTIONS FOR BUDGETING PURPOSES: This task assumes construction activity monitoring for the duration of retaining wall/bridge construction and as requested for other work onsite. Specific activities during bridge construction that will be monitored include, but are not limited to, the list below:

- Foundation Excavations
- Stone embankment installation
- Sheet pile wall installation
- Pile driving
- Reinforcement installation
- Structural concrete pours
- Setting precast girders
- Bridge joint installation
- Water line installation on the bridge

Deliverables:

- General Daily Progress Reports – Complete each day Consultant is on-site. Make available for review at Consultant’s field office or home office. Originals submitted to the City with final Project documentation submittal.
- Pile Driving PDA testing results. The PDA testing will occur in the field during pile driving and a final PDA testing report will be submitted to the City with final Project documentation submittal.

Task 18.3 Precast Beam Inspection

Perform inspection of precast, pre-stressed concrete bridge members at the fabrication plant as required to ensure Project conformance with the plans and specifications.

Consultant shall:

- Inspect pre-stressing strand materials and placement
- Inspect reinforcing steel materials and placement
- Inspect structural concrete materials and placement
- Inspect placement of voids, blockouts and inserts

ASSUMPTIONS FOR BUDGETING PURPOSES: The Project will require fabrication of 15 precast beams. It is anticipated that 3 beams will be cast per day for a total of 5, 8-hour days of fabrication. Consultant inspection staff will be present at the precast facility for a preparation day, during fabrication and will perform a final inspection, resulting in a total anticipated effort of 52 hours.

Deliverables:

- General Daily Progress Reports – Complete each day Consultant is on-site at fabrication plant. Make available for review at Consultant’s field office or home office. Originals submitted to the City with final Project documentation submittal.
 - QA/QC documentation and quantity documentation - Make available for the City review throughout the Project. Submit originals to the City with final Project documentation.

TASK 19 CONSTRUCTION SURVEYING

Consultant's licensed Land Surveyor shall provide land surveying Services and deliverables that conform to all state statutes pertaining to survey and land boundary laws. These include, but are not limited to, the following Oregon Revised Statutes (ORS):

- ORS Chapter 92 - Subdivisions and Partitions
- ORS Chapter 93 - Conveyancing and Recording
- ORS Chapter 209 - County Surveyors
- ORS Chapter 672 - Professional Engineers; Land Surveyors; Photogrammetrists; Geologists

Consultant shall provide qualified personnel to verify the Project is constructed to the lines and grades as shown, specified, or established.

Task 19.1 Construction Survey and Staking

Consultant shall provide all construction surveying for control of the Project as required to establish the position, orientation and elevation of the work from control stations, including furnishing and setting construction stakes and marks, reference marks, and additional control stations.

Consultant shall:

- Coordinate with the City and CC to discuss and agree upon the extent of construction survey needs in order for the Project to be successfully constructed in the correct location and in accordance with the approved plans and specifications for the work.
- Verify all initial horizontal and vertical control stations in the proximity of the Project.
- Establish additional control stations as necessary to control the Project.
- Make supporting calculations as required to establish the position of all elements of the Project. Make calculations in accordance with established City policies and procedures. Calculations must be sufficient to establish the correct position, orientation, and elevation of the work within required tolerances from control stations.
- Prepare horizontal and vertical alignment construction grade data from the construction contract plans. Provide calculations, field notes, and survey drawings for the layout and control of the work as are required to construct the Project.
- Perform staking of the Project clearing limits.
- Set stakes to define the temporary signs for each stage of construction.
- Perform staking for approximate ROW and easements.
- Perform staking to delineate existing wetlands and other regulated work areas.
- Perform staking for retaining walls including foundations and copings.
- Provide staking necessary for construction of all roadways and sidewalks as follows:

- Slope stakes for construction of earthwork, including intersections and match lines
- Grade hubs for subgrade
- Grade hubs for top of rock
- Staking for finish grades
- Permanent drainage, including manholes, inlets and pipes
- Permanent striping
- Provide staking for permanent signs.
- Provide staking for illumination.
- Provide staking for temporary & permanent water treatment facilities.
- Provide staking for guardrail and barriers.
- Provide staking necessary for construction of the bridge, as follows:
 - Substructure Elements:
 - Piling
 - End bents and wingwalls
 - Beam seats and bearing pads
 - Superstructure Elements:
 - Horizontal alignment and deck edges
 - Bridge end panels
 - Hot mix asphalt concrete buildup for finish grade on precast deck elements.

ASSUMPTIONS FOR BUDGETING PURPOSES: This task assumes no more than 16 1-day site visit(s) by a two-man survey crew for construction surveying.

Deliverables

- Submit the deliverables below to CC and the City.
- Submit the deliverables below to CC and the City. Provide via email a copy of transmittal letter to the City.

- Calculations, survey drawings and grade reports for layout and control of the work - Submit electronically at least 2 business days prior to staking a specific element. Keep copies in the Project file. If required by the City, hard copies shall be provided.
- Staking reports (field notes, cut sheets, and survey drawings) for the specific items laid out - Submit electronically within 24 hours after staking of the specific element is complete. If required by the City, hard copies shall be provided.

Task 19.2 Right of Way Monumentation

Document the location of the ROW lines at the completion of the Project construction. Perpetuate the location of the monuments found prior to construction and shall document the ROW lines for all property acquired for the Project.

Unless otherwise approved by the City, Consultant shall monument the new ROW using the Boundary Method in conformance with the Washington County Surveyor. Consultant may be assigned the method of monumentation, which could be the Network Method, Boundary Method, or a combination of both methods.

Set control and/or ROW monuments within 45 days of the completion of construction.

Deliverables:

Submit the deliverables below to the City

- Bentley MicroStation.dgn file displaying the control and/or monuments – Submit within 2 weeks after recording of the SFM with the appropriate County Surveyor's office.
- Bentley Inroads.alg(s) file with centerline(s), control and monument data, and report of alignment(s) showing coordinates, bearing, stations, etc., per Bentley Inroads standard reports – Submit within 2 weeks after recording of the SFM with the appropriate County Surveyor's office.
- Final report of monument station and offset relationship to the alignment(s) – Submit within 2 weeks after recording of the SFM with the appropriate County Surveyor's office.
- City ROW files and copies of all deeds, court judgments, etc., from the appropriate County – Submit within 2 weeks after recording of the SFM with the appropriate County Surveyor's office.
- Original field notes and 1 copy in .pdf format – Submit within 2 weeks after recording of the SFM with the appropriate County Surveyor's office.
- Final ASCII file of all control and monument points set – Submit within 2 weeks after recording of the SFM with the appropriate County Surveyor's office.

Task 19.3 Monumentation Survey Filing Map (SFM)

Create SFM in accordance with Agency Survey Filing Map Standards, County and ORS 209 requirements.

Submit the survey to the appropriate county for filing on archival Mylar or acceptable media per county requirements.

Deliverables

- SFM – File at the appropriate County Surveyor's office within 45 days after setting monuments.
- Final recorded SFM and narrative regarding methodologies used – Submit within 2 weeks after recording of the SFM with the appropriate County Surveyor's office.

TASK 20 PROJECT CLOSE-OUT

Complete interim and final on-site inspections and submit all Project records required for final payment and Project acceptance.

Task 20.1 Final Inspection(s) and Submittals

Attend a Project Final Inspection with CC and City within 15 days after receiving notice from the CC that all punch list items, final trimming and cleanup. Once the punch-list items have been corrected, Consultant shall meet at Project site with the City for a follow-up to the Final Inspection.

Task 20.2 As-Constructed Plans

Following the completion of construction activities, prepare as-constructed plans based on plan markups and redlines kept during construction by the contractor.

Deliverables & Schedule

In addition to the deliverables listed below, Consultant shall submit paper format of as-constructed mark-ups to the City (if requested).

Task 20.3 Structure Load Rating

Consultant will perform load ratings in conformance with the LRFR procedures and software specified in the ODOT LRFR Manual (current edition at time load rating work is performed), including all reference standards incorporated into the manual in section 1.3.1.

Load rating will be based on the final construction contract plans and modified to reflect as-constructed conditions. Consultant shall develop load rating reports for the bridge completed for the Project based on the ODOT load rating format.

Deliverables:

Submit within 90 calendar days after Second Notification -

- Provide 2 copies of a PE Stamped load rating calculation book with a CD containing all electronic files one to the City and one to ODOT Bridge Section.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tony Doran, Engineering Associate
Jeff Fuchs, City Engineer

DATE: 11/13/2017

SUBJECT: Consideration of **Resolution No. 5346-17** Awarding the Contract for the Myslony Bridge Project to Wildish Standard Paving Company and Authorizing the City Manager to Execute a Contract

ISSUE BEFORE THE COUNCIL:

Award the construction contract for the Myslony Bridge Project.

RECOMMENDATION:

Staff recommends that Council approve the resolution to allow the City Manager to execute a contract with Wildish Standard Paving Company to construct the Myslony Bridge Project in the amount of \$2,115,978.55.

EXECUTIVE SUMMARY:

The project will construct a bridge across Hedges Creek on SW Myslony Street between SW 112th Avenue and SW 118th Avenue including water main, storm sewer main, water quality facilities, concrete sidewalks and driveways, curb and gutter, striping, signing, lighting, fencing, and other related work. This project was included in the 2014 Transportation System Plan.

The City consulted with OBEC Engineering for design of the project. The project was advertised in the Daily Journal of Commerce on September 11th and 13th, 2017. Ten (10) bids were received prior to the close of the bid period on October 24, 2017. Wildish Standard Paving Company submitted the lowest responsible bid for the project in the amount of \$2,115,978.55.

OUTCOMES OF DECISION:

Funds for this project are available in Road Operating Fund and Water Operating Fund.

FINANCIAL IMPLICATIONS:

Funds for this project are available in Road Operating Fund and Water Operating Fund.

Attachments: A - Resolution

RESOLUTION NO. 5346-17

A RESOLUTION AWARDING THE CONTRACT FOR THE MYSLONY BRIDGE PROJECT

WHEREAS, the project was advertised in the *Daily Journal of Commerce* on September 11th and 13th, 2017; and

WHEREAS, ten (10) bids were received prior to the close of the bid period on October 24, 2017; and

WHEREAS, Wildish Standard Paving Company submitted the lowest responsible bid for the project in the amount of \$2,115,978.55; and

WHEREAS, there are funds budgeted for this project in the Road Operating Fund and Water Operating Fund.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The contract is awarded to Wildish Standard Paving Company.

Section 2. The City Manager is authorized to execute a contract with Wildish Standard Paving Company in the amount of \$2,115,978.55.

Section 3. The City Manager, or the City Manager's designee, is authorized to execute Change Orders totaling up to 10% of the original contract amount.

Section 4. This resolution is effective upon adoption.

Adopted by the City Council this 13th day of November, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tony Doran, Engineering Associate
Jeff Fuchs, Public Works Director/City Engineer

DATE: 11/13/2017

SUBJECT: Consideration of **Resolution No. 5347-17** Awarding the Contract for the SW 63rd Avenue Water Main Replacement Project to Trench Line Excavation, Inc. and Authorizing the City Manager to Execute a Contract

ISSUE BEFORE THE COUNCIL:

Award the construction contract for the SW 63rd Avenue Water Main Replacement Project.

RECOMMENDATION:

Staff recommends that Council approve the resolution to allow the City Manager to execute a contract with Trench Line Excavation, Inc to construct the SW 63rd Avenue Water Main Replacement Project in the amount of \$233,699.00.

EXECUTIVE SUMMARY:

The existing water main on the southern half of SW 63rd Avenue was installed before 1983 and was constructed with asbestos cement pipe. Asbestos cement (AC) pipe was used widely in potable water distribution systems. Over time, AC pipe undergoes gradual degradation in the form of corrosion. Accordingly, as the water distribution system ages, the number of AC pipe leaks and failures increases with time. Replacement of the City's remaining 1.6 miles of AC pipe is an ongoing goal.

This project consists of the installation of 470 feet of 12-inch ductile iron pipe, in-place abandonment of existing asbestos cement pipe, replacement of three (3) existing water meters, replacement of two (2) existing hydrants, and surface restoration.

The City consulted with Wallis Engineering for design of the project. The project was advertised in the Daily Journal of Commerce on September 6th and 8th, 2017. Five (5) responsive bids were received prior to the close of the bid period on October 4, 2017. Trench Line Excavation, Inc submitted the lowest responsible bid for the project in the amount of \$233,699.00.

FINANCIAL IMPLICATIONS:

The project is included in the current approved budget in the water operating fund.

Attachments: A - Resolution

RESOLUTION NO. 5347-17

A RESOLUTION AWARDING THE CONTRACT FOR THE SW 63RD AVENUE WATER MAIN REPLACEMENT PROJECT

WHEREAS, the project was advertised in the *Daily Journal of Commerce* on September 6th and 8th, 2017; and

WHEREAS, five (5) responsive bids were received prior to the close of the bid period on October 4, 2017; and

WHEREAS, Trench Line Excavation, Inc submitted the lowest responsible bid for the project in the amount of \$233,699.00; and

WHEREAS, there are funds budgeted for this project in the Water Operating Fund.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The contract is awarded to Trench Line Excavation, Inc.

Section 2. The City Manager is authorized to execute a contract with Trench Line Excavation, Inc in the amount of \$233,699.00.

Section 3. The City Manager, or the City Manager's designee, is authorized to execute Change Orders totaling up to 10% of the original contract amount.

Section 4. This resolution is effective upon adoption.

Adopted by the City Council this 13th day of November, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tony Doran, Engineering Associate
Jeff Fuchs, Public Works Director/City Engineer

DATE: 11/13/2017

SUBJECT: Consideration of **Resolution No. 5339-17** Authorizing the City Manager to Execute A Revocable Permit for the Private Encroachment of a City Slope Easement on 19215 SW 49th Court

ISSUE BEFORE THE COUNCIL:

Consideration of **Resolution No. 5339-17** authorizing the City Manager to sign a revocable permit for private encroachment on an existing 15-foot wide public slope easement over private property.

RECOMMENDATION:

Staff recommends Council approve the attached resolution.

EXECUTIVE SUMMARY:

Approval of this resolution will authorize the City Manager to sign a revocable permit for a public slope easement to allow a homeowner to construct proposed backyard improvements in an existing slope easement that was established with the original subdivision.

A 15-foot wide slope easement was created with the platting of Orchard Hill Park subdivision adjacent to SW 50th Avenue to allow the construction of the roadway. The retaining wall and associated slope are contained within public right-of-way and may be maintained from the right of way. A revocable permit will allow the homeowner to place a covered patio and related amenities within the slope easement and will preserve the City's ability to access the easement if it needs to do so in the future.

FINANCIAL IMPLICATIONS:

There are no financial implications related to granting this revocable permit.

Attachments: A - Resolution
B - Revocable Permit

C - Vicinity Map

D - Sheet 5 of Plat

RESOLUTION NO. 5339-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REVOCABLE PERMIT FOR THE PRIVATE ENCROACHMENT OF A CITY SLOPE EASEMENT ON 19215 SW 49TH COURT

WHEREAS, the City has a slope easement that exists across the backyard of property located at 19215 SW 49th Court, among other properties; and

WHEREAS, the owner of the property located at 19215 SW 49th Court requested to place a covered patio and related amenities within the City's slope easement; and

WHEREAS, the request will not adversely impact the City's slope easement; and

WHEREAS, granting the revocable permit is in the public good;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager is authorized to execute a Revocable Permit, which is attached as Exhibit 1 and incorporated by reference.

Section 2. The City Manager is authorized to revoke the permit for any reason and at any time with 180 days prior notice to the permittee.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 13th day of November, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

After recording return to:
City of Tualatin, Oregon
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092



**REVOCABLE PERMIT
(Private Encroachment of a City Slope Easement)**

The City of Tualatin (“City”), pursuant to Resolution No. 5339-17, hereby grants the owner of 19215 SW 49th Court (“Permitee”) within Orchard Hill Park subdivision the right to encroach upon and occupy a portion of public slope easement, as more particularly described in Exhibit D (“Lot 17 of Orchard Hill Park subdivision plat”) and as depicted on Exhibit B (“Vicinity Map”) for the purpose of enhancing their backyard (“Encroachment”), subject to the terms and conditions set forth herein.

The City grants the permit on the condition that Permitee promises and agrees to comply with the following terms, conditions, and restrictions:

1. The Encroachment as constructed must pass inspection by the City confirming it complies with all applicable Codes of the City of Tualatin including, but not limited to, structural safety, traffic, sanitation, land use, and fire requirements.
2. In constructing and maintaining the Encroachment, Permitee agrees to comply with the plans and specifications approved by the City and all applicable permits.
3. Permitee must maintain the Encroachment in good order and must immediately notify the City of any dangers to person or property, or any dangerous conditions, that exist with regard to the Encroachment, which are either known or discovered by Permitee.
4. Permitee assumes all risk of damage to its Encroachment, and any buildings, structures, utilities, or other appurtenances connected to the Encroachment, resulting from, or arising out of, any and all uses of the public right-of-way by the City, its officers, employees, agents, and the general public.

5. Permittee must defend, indemnify, and hold harmless the City, its officers, agents, and employees, against any and all claims for damages of any kind attributable to Permittee and which is caused or alleged to have been caused as a result of the Encroachment or this Permit, whether such damage or injury results from normal operation or accident or any other cause.
6. The placing of the Encroachment in a portion of the aforesaid public right-of-way will not give to Permittee, or anyone else, any permanent right to its continued or exclusive occupancy.
7. This Permit is revocable by the City, in its sole discretion, for any reason. City will provide Permittee at least 180 days prior written notice and provide the effective date of the revocation in the notice, on or before the effective date of the revocation, Permittee, at its own expense, will remove the Encroachment from City's right-of-way; and, failing to do so, the City may cause removal of the Encroachment at the cost and expense of Permittee, including any and all legal costs and attorney fees..
8. Permittee's obligations under the provisions of this Permit are binding upon all of the heirs, successors, and assigns of Permittee.
9. In the event Permittee includes more than one person or entity, all such persons or entities are jointly and severally liable for all conditions herein.
10. Any construction within the right-of-way requires a Public Works Permit and compliance with all applicable codes and regulations.

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ACCEPTED, and the conditions hereof acknowledged and agreed to the _____ day of _____, 2017.

Permitee:

Owner of 19215 SW 49th Court

By: _____

Its: _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by _____, known to me to be the _____ of 19215 49th Ct, Orchard Hill Park Subdivision.

Notary Public—State of Oregon
My commission expires: _____

Witness my hand this _____ day of _____, 20____.

By: _____
City Manager

STATE OF OREGON)
) ss.
County of _____)

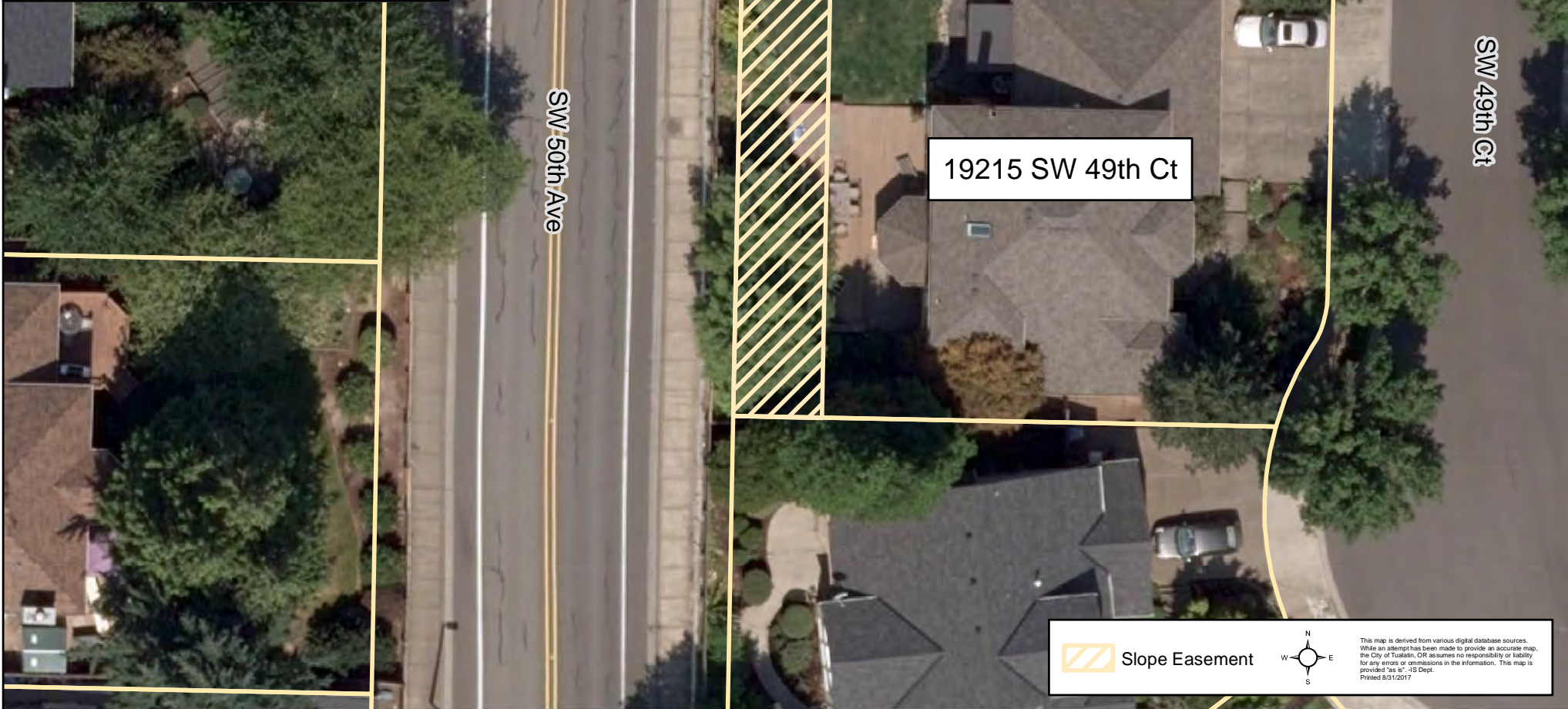
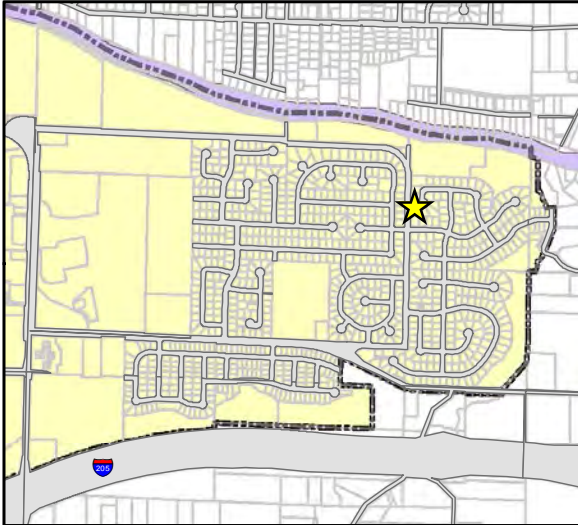
This instrument was acknowledged before me on _____, 20____, by Sherilyn Lombos, as the City Manager for the City of Tualatin, Oregon.

Notary Public—State of Oregon
My commission expires: _____

APPROVED AS TO FORM:

By: _____
City Attorney


15' Slope Easement, Existing



19215 SW 49th Ct

SW 50th Ave

SW 49th Ct

 Slope Easement



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualsis, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is." -IS Dept. Printed 8/31/2017

DRAWING NUMBER

PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REORDER BY NUMBER 075AR
POSITION DATE OF PRINT ON THIS LINE

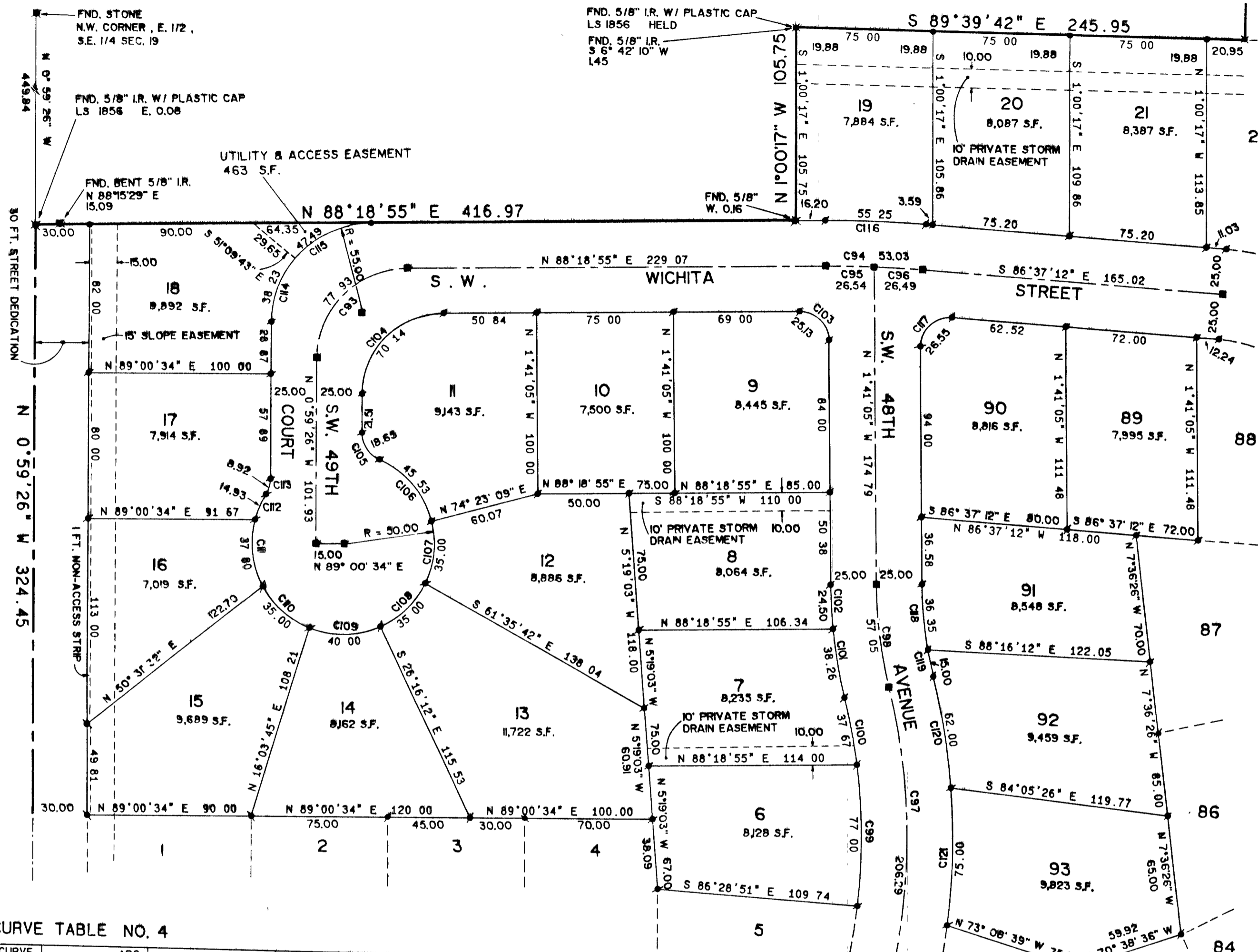
DRAWING NUMBER
ORCHARD HILL PARK

PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REORDER BY NUMBER 075AR
POSITION DATE OF PRINT ON THIS LINE

DRAWING NUMBER

PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REORDER BY NUMBER 075AR
POSITION DATE OF PRINT ON THIS LINE

11-30-89 JAC



PLAT BOOK NO. 93, PAGE 5 SHEET 5 OF 6

ORCHARD HILL PARK

SITUATE IN THE S.E. 1/4 OF SEC. 19, T. 2 S., R. 1 E.,
WILLAMETTE MERIDIAN
CITY OF TUALATIN
CLACKAMAS COUNTY, OREGON

SURVEYED: JULY, 1989

ALPHA ENGINEERING, INCORPORATED
1750 S.W. SKYLINE BLVD SUITE 19
PORTLAND, OREGON 97221

PLAT RESTRICTIONS
A 6.00 FOOT WIDE PUBLIC UTILITY EASEMENT SHALL
EXIST ALONG ALL LOT LINES ABUTTING PUBLIC STREETS
A 5.00 FOOT WIDE PUBLIC UTILITY EASEMENT SHALL
EXIST ADJACENT TO ALL SIDES AND REAR LOT LINES

I HEREBY CERTIFY THAT THIS TRACING IS A TRUE AND
EXACT COPY OF THE PLAT OF "ORCHARD HILL PARK"
Garlan E. Brown
GARLAN E. BROWN P.L.S. NO. 1884

CURVE TABLE NO. 4

CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C93	77.93	89°18'21"	50.00	70.28	N 43°39'45" E
C94	53.03	5°03'52"	600.00	53.02	N 89°09'08" W
C95	26.54	2°32'05"	600.00	26.54	N 89°34'58" E
C96	26.49	2°31'47"	600.00	26.49	S 87°53'06" E
C97	206.29	33°46'11"	350.00	203.31	N 2°07'29" E
C98	57.05	13°04'32"	250.00	56.93	N 8°13'21" W
C99	77.00	13°34'29"	325.00	76.82	N 1°19'54" W
C100	37.67	6°38'28"	325.00	37.65	N 11°26'23" W
C101	38.26	7°58'13"	275.00	38.22	N 10°46'30" W
C102	24.50	5°06'19"	275.00	24.49	N 4°14'14" W
C103	25.13	90°00'00"	16.00	22.63	N 46°41'05" W
C104	70.14	89°18'21"	45.00	63.25	S 43°39'45" W
C105	18.65	66°48'01"	16.00	17.62	S 34°23'26" E
C106	45.53	52°10'35"	50.00	43.98	S 41°42'09" E
C107	35.00	40°06'25"	50.00	34.29	S 4°26'21" W
C108	35.00	40°06'25"	50.00	34.29	S 44°32'47" W
C109	40.00	45°50'12"	50.00	38.94	S 87°31'05" W
C110	35.00	40°06'25"	50.00	34.29	N 49°30'36" W
C111	37.80	43°18'57"	50.00	36.91	N 7°47'55" W
C112	14.93	17°06'10"	50.00	14.87	N 22°24'39" E
C113	8.92	31°57'10"	16.00	8.81	N 14°59'09" E
C114	38.23	39°49'43"	55.00	37.47	N 18°55'26" E
C115	47.49	49°28'38"	55.00	46.03	N 63°34'36" E
C116	55.25	5°03'52"	625.00	55.23	S 89°09'08" E
C117	26.55	95°03'52"	16.00	23.61	S 45°50'52" W
C118	36.35	9°15'21"	225.00	36.31	S 6°18'45" E
C119	15.00	3°49'11"	225.00	15.00	S 12°51'01" E
C120	62.00	9°28'22"	375.00	61.93	S 10°01'25" E
C121	75.00	11°27'33"	375.00	74.88	S 0°26'32" W

SEE SHEET 2 FOR CONTINUATION

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Garlan E. Brown
OREGON
GARLAN E. BROWN
JULY 18, 1980
1884



SCALE: 1 INCH = 50 FEET

2853

City Council Meeting

Meeting Date: 11/13/2017

SPECIAL REPORTS: Annual Report of the Juanita Pohl Center Advisory Committee

Submitted For: Sherilyn Lombos, City Manager

SPECIAL REPORTS

Annual Report of the Juanita Pohl Center Advisory Committee

Juanita Pohl Center Advisory Committee Annual Report
PowerPoint Presentation



2016-17 ANNUAL REPORT

Juanita Pohl Center Advisory Committee

1. BACKGROUND

The Juanita Pohl Center Advisory Committee (JPCAC) was established in March 2013. The bylaws provide that the JPCAC file an annual report with the Council including a summary of the committee's activities during the previous year.

Members of the JPCAC include Amanda Ballard, Connie Dover, Bob Grable, Stephanie Jones, Del Judy, Candice Kelly, Kate Lanman, Bob Leveton, Susan Noack and Marilyn Ogorzaly.

2. ROLE OF THE COMMITTEE

- a. Listen to ideas and discuss suggestions with participants, general public and center staff.
- b. Advise and make recommendations to staff on the operation of the center.
- c. Support efforts to successfully grow the number of people who utilize the center.

3. ACTIONS AND ACCOMPLISHMENTS IN SUPPORT OF ROLES

a. Healthy Aging Programs

Supported efforts to increase utilization of the center through new healthy active aging programs, services and events that include:

- Fitness & Wellness Programs

Six days a week the center offered 1,100 class sessions during the year that included yoga, strength, cardio, balance, stretching and dance fitness. The total annual healthy fitness participation was 8,604. Highlights included SilverSneakers® and Silver&Fit exercise classes, bilingual fitness, Veterans yoga and pickleball.

- Nutrition Program

Meals on Wheels People served 9,713 lunch program meals at the center and delivered 8,721 meals to home bound seniors.

- Social Programs

There were 857 program sessions that promoted socialization at the center with total annual participation of 5,457. Highlights included Veterans Recognition Breakfast (135), Brain Awareness Week (150), Active Adult Day Trips (323), Bingo (767), Billiards (1,222) and Tuesday Night Social (788).

- Visitations

The center had 42,351 door count visits during the last year.



SilverSneakersClassic

This Monday, Wednesday and Friday class is very popular at the center and attendance continues to grow.

b. Partnerships

- Increased and maintained partnerships and collaboration to assure quality programs:
 - AARP
 - Alzheimer Association
 - Barhyte Specialty Foods
 - Farmington Square Tualatin
 - Marquis Tualatin
 - Meals on Wheels People
 - New Horizons Big Band
 - Parkinson Association
 - Portland Community College



Meals on Wheels People volunteers deliver lunch to home bound seniors in Tualatin. Meals on Wheels People have been providing essential healthy nutritional meals for over 34 years at the Juanita Pohl Center.

c. Rentals

- The center accommodated 300 private parties, meetings or events for residents and businesses.
- The total rental attendance was estimated at approximately 20,510.
- Pohl Center rental revenue increased during the past three years.
- The center continues to be popular gathering place for our diverse community.



The center is typically booked on Saturdays and Sundays during the year for citizen and business activities and events.

d. Improved Circulation and Ambiance

Enhanced the center's circulation and appearance with an improved layout and updated furniture that included:

- The front lounge and billiard table area was completed in 2017 and included chairs, tables and shelves.
- The back lounge area will include a new couch, chairs and coffee tables which are projected to be completed in 2018.
- The main goal of this project is to provide safe, accessible and appealing furnishings for older adults, with a consistent theme throughout the building.



Newly Installed Furnishings

4. ACTION PLAN FOR 2017-18

a. Programs and Services

Continue to support and grow active aging programs, services, activities and events in the community to include:

- Active Aging Week
- Brain Awareness Week
- Bilingual Programs
- Active Adult Day Trips/Regional Excursions & Hiking/Walking Programs
- Meals on Wheels People
- Pickleball Drop-in/Tournaments & Lessons
- SilverSneakers® & Silver & Fit® Insurance Reimbursement Programs
- Veterans Recognition Breakfast

b. Partnerships and Collaboration

Continue to increase partnerships with local community groups, organizations and agencies.

c. Kitchen Improvements

To provide improvements to the food preparation area, storage and equipment replacement for the healthy nutrition program for older adults in partnership with Meals on Wheels People.



Grupo de Apoyo Para Mujeres (Spanish Women's Support Group)

Juanita Pohl Center Advisory Committee

2016-17 Annual Report



Committee Members

- **Candice Kelly, Chair**
- **Amanda Ballard**
- **Connie Dover**
- **Bob Grable**
- **Stephanie Jones**
- **Del Judy**
- **Kate Lanman**
- **Bob Leveton**
- **Susan Noack**
- **Marilyn Ogorzaly**



Committee Role

- **Listen to Ideas and Discuss Suggestions**
- **Make Recommendations on the Operation of the Center**
- **Support Efforts to Successfully Increase Attendance and Participation**



Increase Utilization

Programs

- Fitness & Wellness
- Nutrition
- Social
- Evidence-Based

Center Visits

- 42,351 Visits
in 2016-17



Partnerships

- **AARP**
- **Alzheimer Association**
- **Barhyte Specialty Foods**
- **Farmington Square Tualatin**
- **Marquis Tualatin**
- **Meals on Wheels People**
- **New Horizons Big Band**
- **Parkinson Association**
- **Portland Community College**



Benefits

- **Improve Health & Promote Healthy Lifestyles**
- **Life-Long Learning Opportunities**
- **Increase Quality of Life**
- **Social Engagement & Interaction**



Rentals

- **Business Meetings**
- **Private Parties**
- **Special Events**



- **Building Rented 300 Times**
- **20,510 Guests Attended**
- **Increased Rental Revenue**

Enhance Center's Appearance

- **New Billiard Chairs (2017)**
- **Furniture Replacement in Main Lounge Area (2017)**
- **Back Lounge Furniture Replacement (2018)**



Action Plan for 2017-18

- Support and Grow Active Aging Programs and Services
- Increase Partnerships with Local Community Groups
- Kitchen Equipment and Storage Improvements



Questions/Comments?





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sean Brady, City Attorney

DATE: 11/13/2017

SUBJECT: Consideration of Ordinance No. 1405-17 Relating to the Planning Commission and Amending Tualatin Municipal Code Chapter 11-01

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1405-17 Relating to the Planning Commission and Amending Tualatin Municipal Code Chapter 11-01.

RECOMMENDATION:

Staff recommends Council consider Ordinance No. 1405-17.

EXECUTIVE SUMMARY:

Ordinance No. 1405-17 amends Tualatin Municipal Code Chapter (TMC) 11-01 to combine, reorganize, and clarify the provisions currently contained in TMC 11-01 and Tualatin Development Code (TDC) 2.060.

Currently, the establishment of the Planning Commission, along with its membership, powers, and duties, are contained in both TMC 11-01 and TDC 2.060. Moreover, the language in each code is slightly different. This duplicitous code language creates ambiguity as to which code controls and impacts future amendments relating to the Planning Commission. For instance, if the Council were to change the number of members on the Planning Commission, under the current code, it would necessitate two separate ordinances, including first proceeding through the Plan Text Amendment (PTA) process. Ordinance No. 1405-17 would eliminate the need for a PTA and second ordinance for changes to the Planning Commission's membership, qualifications, and duties.

The proposed Ordinance also deletes the current language that allows a person under 18 years of age to serve on the Planning Commission. This deletion is needed because the Planning Commission is a land use body under Oregon law that is making quasi-judicial land use decisions.

At this same meeting, Council is considering a separate ordinance that will, among other changes, delete TDC 2.060 to remove the duplicitous language relating to the Planning Commission from the TDC.

ORDINANCE NO. 1405-17

AN ORDINANCE RELATING TO THE PLANNING COMMISSION AND AMENDING TUALATIN MUNICIPAL CODE CHAPTER 11-01.

WHEREAS, Tualatin Municipal Code (TMC) Chapter 11-01 established the Planning Commission and created its duties;

WHEREAS, Tualatin Development Code (TDC) 2.060 also contains similar language relating to the establishment and duties of the Planning Commission; and

WHEREAS, the Council wishes to amend TMC 11-01 to combine, reorganize, and clarify the provisions relating to the Planning Commission that are currently contained in both TMC 11-01 and TDC 2.060.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code (TMC) Chapter 11-01 is amended as follows:

11-1-010 Establishment of Commission.

The Tualatin Planning Commission is established and created. The Commission consists of seven members appointed by the Council.

11-1-020 Terms of Office and Membership of Commission.

~~(1) The Commission shall consist of seven members. Each member appointed by the Council and, except as provided in subsection (6) of this section, shall serve serves a three-year staggered terms term. A member may be re-appointed to the Commission to additional terms at the discretion of the Council. Commission members shall receive no compensation.~~

(2) In considering new appointing members to the Commission, the Commission and Council shall must consider the following:

(a) strive for geographic balance within the City;

(b) no more than three members may have the same occupation;

(c) no more than two members may be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of a partnership, or officers or employees of a corporation, that is engaged principally in the buying, selling, or developing of real estate for profit

~~(d) no fewer than five members shall must reside inside the corporate boundaries of in the City; and~~

~~(e) and no more than two members shall may reside outside the City-, provided the Any non-resident member shall must reside within the Urban Growth Boundary of the City of Tualatin.~~

(3) Commission members receive no compensation.

~~(3) Each Commission member serves at the pleasure of the City Council and may be removed by the Council at any time before the Commission member's term expires.~~

~~(4) Any vacancy on the Commission shall be filled by the City Council for the unexpired term of the member creating the vacancy.~~

~~(5) No more than two members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of a partnership, or officers or employees of a corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than three members shall be engaged in the same kind of business, trade or profession.~~

~~(6) One member may be less than 18 years of age. A member who is appointed under this subsection shall serve a one year term that may be renewed for one additional year. In addition to other criteria deemed relevant by the Council for appointment, the Council may consider the applicant's academic performance and the effect membership on the Commission may have on such performance.~~

~~(7) A Commission member may not have unexcused absences from two or more meetings, including regular and special work sessions during a calendar year, or absences from more than five such meetings held during the calendar year. An excused absence may be obtained by contacting the chairperson or secretary of the Commission at least 24 hours prior to a scheduled Commission meeting.~~

11-1-030 Organization of Commission.

~~(1) At the first regular meeting of the Commission each in January of each year, the Commission shall must elect a chairperson and vice chairperson, who shall be voting members, of the Commission. The chairperson and vice chairperson retain the right to vote on any matter before the Commission.~~

~~(2) The Community Development Director City Manager shall must provide a secretary who shall must keep an accurate record of all Commission proceedings. The Commission shall must file a report of all its proceedings with the City Recorder within 30 days of such proceedings.~~

11-1-040 Meeting; Quorum; Rules and Regulations of the Commission.

(1) The Commission will convene when necessary to discharge its duties; however, it must meet six times within every calendar year.

(2) A majority of members of the Commission appointed by City Council shall constitute a quorum. A quorum of the Commission may transact any business or conduct any proceedings before within the jurisdiction of the Commission.

(3) The Commission may adopt and amend rules and regulations establishing the procedure for the conduct of proceedings before it. Any such rules and regulations shall must be consistent with any all ordinances, resolutions, or laws of the City regulating the Commission. The Commission shall convene when necessary to discharge its duties; however, it shall meet not less than six times within every calendar year.

11-1-050 Removal; Vacancy.

(1) Each Commission member serves at the pleasure of the Council and may be removed by the Council for any reason.

(2) In addition to other grounds for removal, the Council may remove any Commission member who:

(a) has two or more unexcused absences from meetings, including regular and special work sessions, during a calendar year; or

(b) has five or more absences from meetings, including regular and special work sessions, during a calendar year.

For purposes of this section an unexcused absence is an absence where the member failed to contact the chairperson or secretary of the Commission at least 24 hours prior to a scheduled Commission meeting, unless good cause is shown.

(3) A vacancy on the Commission occurs in the following circumstances:

(a) the Council removes a member of the Commission;

(b) a member of the Commission resigns and the resignation is accepted by the Council; or

(c) a person ceases to qualify for the position to which they were appointed.

(4) Any vacancy on the Commission will be filled by the Council for the unexpired term of the member creating the vacancy.

~~11-1-050~~ 11-1-060 Expenditure of Funds.

The Commission ~~shall have~~ has no authority to make any expenditure of funds on behalf of the City or to obligate the City for the payment of any funds without first obtaining ~~the approval~~ for the expenditure from of the City Council by ~~minute order or resolution stating the purpose of such expenditure.~~

~~11-1-060~~ 11-1-070 Powers and Duties of Planning Commission.

The Commission has the following powers and duties:

(1) Recommend and make suggestions to the Council regarding preparation and revision of plans for the growth, development, and beautification of areas both inside the corporate limits of Tualatin and also within the City's urban growth boundary, such plans to incorporate elements and sub-elements including but not limited to the following:

(a) Land Use, including Plan Text and Plan Map Amendments (PTA and PMA);

(b) Economic Development:

(i) Housing;

(ii) Commercial and industrial;

(c) Public Facilities:

(i) Transportation;

(ii) Water supply;

(iii) Sewerage;

(iv) Drainage;

(v) Parks and open space; and

(vi) Institutions;

(d) Historic Resources.

(2) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:

(a) Tualatin Development Code;

(b) Tualatin Sign Ordinances; and

(c) Tree planting regulations.

(3) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and of the area within the City's Urban Growth Boundary.

(4) Serve as the City of Tualatin Commission for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Goal No. 1, with the following responsibilities:

(a) Evaluate the effectiveness of the citizen involvement program during March and October of each calendar year.

(b) Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the Commission deems appropriate.

(5) To exercise any and all powers, functions, and authority delegated to or conferred upon the Commission by the laws of Oregon, the Tualatin City Charter, this Chapter, the Tualatin Development Code, and any other ordinances of the City of Tualatin.

~~(5) The Planning Commission shall hear and decide the following land use applications using the quasi-judicial evidentiary hearing procedures set forth in TDC 31.077^[1]:~~

~~(a) Industrial Master Plan (IMP);~~

~~(b) Reinstatement of Use;~~

~~(c) Sign Variance (SVAR);~~

~~(d) Transitional Use Permit (TRP); and~~

~~(e) Variance (VAR).~~

~~(6) Requests for Review of Planning Commission decisions shall be to the City Council and follow the Requests for Review process set forth in TDC 31.078^[1].~~

~~**11-1-070 Coordination of Planning Review.**~~

~~In discharging its powers and duties at the request of the Council under TMC 11-1-060, the Commission shall consider the provisions of a comprehensive plan, project plan or agency plan of the City of Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin and other government agencies having plans or projects affecting the City of Tualatin.~~

11-1-080 Annual Report of Commission.

(1) Not later than April 1 of each year, the Commission shall must file its annual report of the activities of the Commission with the City Council.

(2) The annual report shall include must contain the following:

(a) ~~a survey and~~ report of the Commission's activities during the preceding year;

(b) ~~in addition to specific~~ recommendations to the City Council ~~not otherwise requested by the City Council,~~ relating to the planning process, comprehensive plan implementation measures within the City, ~~or the future activities of the Commission.~~ and citizen involvement; and

(c) The report may include any other matters deemed appropriate by the Commission for recommendation and advice to the Council.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Adopted by the City Council this ____ day of _____, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

ATTACHMENT A

Chapter 11-01: Tualatin Planning Commission

11-1-020 Membership of Commission.

(1) The Commission shall consist of seven members appointed by the Council and, except as provided in subsection (6) of this section, shall serve three-year staggered terms. A member may be re-appointed to the Commission to additional terms at the discretion of the Council. Commission members shall receive no compensation.

(2) In considering new members, the Commission and Council shall strive for geographic balance. No fewer than five members shall reside inside the corporate boundaries of the City, and no more than two shall reside outside the City. Any non-resident member shall reside within the Urban Growth Boundary of the City of Tualatin.

(3) Each Commission member serves at the pleasure of the City Council and may be removed by the Council at any time before the Commission member's term expires.

(4) Any vacancy on the Commission shall be filled by the City Council for the unexpired term of the member creating the vacancy.

(5) No more than two members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of a partnership, or officers or employees of a corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than three members shall be engaged in the same kind of business, trade or profession.

(6) One member may be less than 18 years of age. A member who is appointed under this subsection shall serve a one-year term that may be renewed for one additional year. In addition to other criteria deemed relevant by the Council for appointment, the Council may consider the applicant's academic performance and the effect membership on the Commission may have on such performance.

(7) A Commission member may not have unexcused absences from two or more meetings, including regular and special work sessions during a calendar year, or absences from more than five such meetings held during the calendar year. An excused absence may be obtained by contacting the chairperson or secretary of the Commission at least 24 hours prior to a scheduled Commission meeting.

11-1-030 Organization of Commission.

(1) At the regular meeting of the Commission each January, the Commission shall elect a chairperson and vice chairperson, who shall be voting members, of the Commission.

(2) The Community Development Director shall provide a secretary who shall keep an accurate record of all Commission proceedings. The Commission shall file a report of all its proceedings with the City Recorder within 30 days of such proceedings.

11-1-040 Meeting, Rules and Regulations of the Commission.

A majority of members of the Commission appointed by City Council shall constitute a quorum. A quorum of the Commission may transact any business or conduct any proceedings before the Commission. The Commission may adopt and amend rules and regulations establishing the procedure for the conduct of proceedings before it. Any such rules and regulations shall be consistent with any ordinances, resolutions or laws of the City regulating the Commission. The Commission shall convene when necessary to discharge its duties; however, it shall meet not less than six times within every calendar year.

11-1-050 Expenditure of Funds.

The Commission shall have no authority to make any expenditure of funds on behalf of the City or to obligate the City for the payment of any funds without first obtaining the approval of the City Council by minute order or resolution stating the purpose of such expenditure.

11-1-060 Powers and Duties of Planning Commission.

The Commission shall have the following powers and duties:

(1) Recommend and make suggestions to the Council regarding preparation and revision of plans for the growth, development, and beautification of areas both inside the corporate limits of Tualatin and also within the City's urban growth boundary, such plans to incorporate elements and sub-elements including but not limited to the following:

(a) Land use, including Plan Text and Plan Map Amendments (PTA and PMA);

(b) Economic development:

(i) Housing;

- (ii) Commercial and industrial;
- (c) Public facilities:
 - (i) Transportation;
 - (ii) Water supply;
 - (iii) Sewerage;
 - (iv) Drainage;
 - (v) Parks and open space; and
 - (vi) Institutions; and
- (d) Historic Resources.

(2) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:

- (a) Tualatin Development Code;
- (b) Tualatin Sign Ordinances; and
- (c) Tree planting regulations.

(3) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and of the area within the City's Urban Growth Boundary.

(4) Serve as the City of Tualatin Commission for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Goal No. 1, with the following responsibilities.

- (a) Evaluate the effectiveness of the citizen involvement program during March and October of each calendar year.
- (b) Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the Commission deems appropriate.

(5) The Planning Commission shall hear and decide the following land use applications using the quasi-judicial evidentiary hearing procedures set forth in TDC 31.077:

- (a) Industrial Master Plan (IMP);
- (b) Reinstatement of Use;
- (c) Sign Variance (SVAR);
- (d) Transitional Use Permit (TRP); and
- (e) Variance (VAR).

(6) Requests for Review of Planning Commission decisions shall be to the City Council and follow the Requests for Review process set forth in TDC 31.078.

11-1-070 Coordination of Planning Review.

In discharging its powers and duties at the request of the Council under TMC 11-1-060, the Commission shall consider the provisions of a comprehensive plan, project plan or agency plan of the City of Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin and other government agencies having plans or projects affecting the City of Tualatin.

11-1-080 Annual Report of Commission.

Not later than April 1 of each year the Commission shall file its annual report of the activities of the Commission with the City Council. The annual report shall include a survey and report of the Commission's activities during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the Commission. The report may include any other matters deemed appropriate by the Commission for recommendation and ad-vice to the Council.

ATTACHMENT B

Section 2.060 Tualatin Planning Commission (TPC).

(1) Number of members: 7.

(2) Selection criteria: good geographic balance; no more than three members with same occupation; no more than two members engaged in the real estate development profession; reside within City except for those members allowed to live outside the City who must reside within the Urban Growth Area.

(3) Term of office: Each commission member shall serve three years per term. The City Council may reappoint a member continually or appoint a successor.

(4) Powers and duties – Decisions: The Planning Commission shall hear and decide the following land use applications using the quasi-judicial evidentiary hearing procedures in TDC 31.077:

- (a) Industrial Master Plan (IMP)
- (b) Reinstatement of Use
- (c) Sign Variance (SVAR)
- (d) Transitional Use Permit (TRP)
- (e) Variance (VAR)

(5) Request for Review of Planning Commission decisions shall be to the City Council and follow the Requests for Review process set forth in TDC 31.078.

(6) Powers and duties (Recommendations): recommend and make suggestions to the Council regarding preparation and revision of plans for the growth, development, and beautification of areas both inside the corporate limits of Tualatin and within the City's Urban Growth Boundary, such plans to incorporate elements and sub-elements, including but not limited to the following:

- (a) Land Use, including through Plan Map and Plan Text Amendment (PMA and PTA)
- (b) Economic Development
 - Housing
 - Commercial and Industrial

(c) Public Facilities

Transportation
Water Supply
Sewerage
Drainage
Parks and Open Space
Institutions

(d) Historic Resources

(e) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:

Tualatin Development Code
Tualatin Sign Ordinance
Tree Planting Regulations

(f) Study and propose in general such measures as may be advisable for promotion of public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area within the City's Urban Growth Boundary.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sean Brady, City Attorney

DATE: 11/13/2017

SUBJECT: Consideration of **Ordinance No. 1406-17** to establish the Planning Commission as the Review Authority for Conditional Use Permits; and Amending Tualatin Development Code Chapters 2, 31, and 32

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1406-17 to establish the Planning Commission as the Review Authority for Conditional Use Permits; and Amending Tualatin Development Code Chapters 2, 31, and 32.

RECOMMENDATION:

Staff recommends Council consider Ordinance No. 1406-17.

EXECUTIVE SUMMARY:

Ordinance No. 1406-17 amends Tualatin Development Code (TDC) Chapters 2, 31, and 32 to establish the Planning Commission as the review authority for Conditional Use Permits and Council as the appeal body. Under the current code, the Council is the first and final review authority for Conditional Use Permits.

Ordinance No. 1406-17 also deletes language relating to the creation and duties of the Planning Commission and the Tualatin Parks Advisory Commission contained in TDC 2.060 and 2.070. This language is being deleted because these provisions already exist in, and the respective bodies governed by, Tualatin Municipal Code Chapters 11-01 (Planning Commission) and 11-02 (Tualatin Parks Advisory Commission).

On October 23 2017, Council held a legislative public hearing to consider Plan Text Amendment (PTA 17-01). The Council considered the information and evidence presented by City staff. The opportunity for public testimony was provided, but no person testified either in support or against PTA 17-01. At the conclusion of the hearing, Council voted unanimously to approve PTA 17-01 and directed staff to return with an ordinance to implement its provisions.

Ordinance No. 1406-17 implements the provisions of PTA 17-01.

Attachments: Ord No. 1406-17 -PTA 17-01
Ex 1 - Ord No. 1406-17-PTA 17-01

ORDINANCE NO. 1406-17

AN ORDINANCE RELATING TO THE PLANNING COMMISSION; AND AMENDING TUALATIN DEVELOPMENT CODE CHAPTERS 2, 31, AND 32.

WHEREAS, the Community Development Director initiated Plan Text Amendment PTA 17-01;

WHEREAS, the City provided notice of PTA 17-01 to the Oregon Department of Land Conservation and Development, as provided by ORS 197.610;

WHEREAS, the City provided notice of the public hearing as required by Tualatin Development Code (TDC) 1.031; and

WHEREAS, Council approved PTA 17-01 after a public hearing was held where Council heard and considered the testimony and evidence presented by City staff, and those appearing at the public hearing.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC Section 2.060 (Planning Commission) and Section 2.070 (Tualatin Parks Advisory Commission) are deleted in their entirety, as these entities exist and are governed by the Tualatin Municipal Code Chapters 11-01 (Planning Commission) and 11-02 (Parks Advisory Commission).

Section 2. TDC Chapter 31.068 is created to read as follows:

Section 31.068 Jurisdiction of the Planning Commission.

(1) The Planning Commission is the hearing body for the following land use applications:

- (a) Conditional Use Permits (CUP);
- (b) Industrial Master Plan (IMP);
- (c) Reinstatement of Use;
- (d) Sign Variance (SVAR);
- (e) Transitional Use Permit (TRP); and
- (f) Variance (VAR).

(2) The Planning Commission will use the quasi-judicial hearing process in TDC 31.077 to make all decisions.

- (3) Request for Review of Planning Commission decisions must be made to the City Council and follow the Requests for Review process in TDC 31.076 and TDC 31.078.

Section 3. TDC 31.076 is amended to read as follows:

Section 31.076 Requests for Review.

- (1) Upon receipt of a request for review, the ~~Community Development Director~~ City Manager shall ~~must~~ indicate the date of receipt, determine the appropriate hearing body to conduct review, schedule the hearing and give notice of the hearing in accordance with this section. A request for review shall ~~must~~ be accompanied by a fee as established by City Council resolution.
- (2) The ~~Community Development Director~~ City Manager shall ~~will~~ determine the appropriate hearing body to conduct review as follows:
- (a) Architectural Review Board. The Architectural Review Board is the hearing body if the request for review is an appeal from a staff level Architectural Features decision.
 - (b) City Council. City Council is the hearing body if the request for review is an appeal of any one of the following:
 - (i) Utility Facilities decision;
 - (ii) Architectural Review Board decision;
 - (iii) An interpretation of Code under TDC 31.070;
 - (iv) A minor variance under TDC Chapter 33;
 - (v) A tree removal permit under TDC Chapter 34;
 - (vi) A temporary use decision under TDC Chapter 34;
 - (vii) A decision on the demolition, relocation, alteration, or new construction involving an historic landmark under TDC Chapter 68;
 - (viii) A decision on a partition or subdivision under TDC Chapter 36;
 - (ix) A decision on a minor variance involving a property line adjustment under TDC Chapter 36;
 - (x) A decision on a request for access onto an arterial street under TDC Chapter 75;

- (xi) A decision on a floodplain development permit under TDC Chapter 70;
- (xii) A decision on a permit within the Wetlands Protection District under TDC Chapter 71;
- (xiii) A final decision by the Planning Commission; or
- (xiv) Any other decision not listed in this subsection.

~~(a) If the request for review raises issues regarding the design or conditions in the Architectural Features decision or an application of standards relating to preservation of a historic structure and the Architectural Review Board has not already held a hearing and issued a decision on the matter, then the Architectural Review Board is the appropriate hearing body for such subject matter.~~

~~(b) If the request for review raises issues regarding the design or conditions for both the Architectural Features and Utility Facilities, and if the Architectural Review Board has not already conducted a hearing and issued a decision on the matter, then the Architectural Review Board is the appropriate hearing body for the Architectural Features decision and the City Council is the appropriate hearing body for the Utility Facilities review; otherwise the City Council is the appropriate hearing body for both.~~

~~(c) If the request for review raises issues regarding the design or conditions relating to the Utility Facilities Decision then the City Council is the appropriate hearing body.~~

~~(d) If the request for review involves a final decision by the Architectural Review Board, an interpretation of Code provisions under TDC 31.070, a decision of the Community Development Director with regard to a minor variance (TDC Chapter 33), tree removal (TDC Chapter 34), temporary use (TDC Chapter 34), a decision on demolition, relocation, alteration or new construction of a landmark (TDC Chapter 68), a decision of the City Engineer on a minor variance (TDC Chapter 33), partition or subdivision (TDC Chapter 36), property line adjustment with a minor variance (TDC Chapter 36), request for access onto an arterial street (TDC Chapter 75), an application for development within the flood plain (TDC Chapter 70), a decision on a permit within the Wetlands Protection District (TDC Chapter 71), or other application not listed in this subsection, then the City Council is the appropriate hearing body.~~

~~(e) If the request for review involves a final decision by the Planning Commission for a Conditional Use Permit (TDC Chapter 32), an Industrial Master Plan (TDC Chapter 37), Reinstatement of Use (TDC Chapter 35), Sign Variance (TDC Chapter 33), Transitional Use Permit (TDC Chapter 34), and Variances (TDC Chapter 33) the City Council is the appropriate hearing body in TDC 31.078.~~

- (3) Where a request for review is directed to the Architectural Review Board, a meeting of the Board shall be scheduled for a meeting date which is not less than seven nor more than 21 days from the expiration date of the request for review period. Except as provided herein, the Architectural Review Board shall conduct a hearing in accordance with TDC 31.077. The review conducted by the Board shall be limited to the applicable criteria, i.e. architectural features. The decision of the Architectural Review Board shall be adopted by a majority of the Board following the conclusion of the hearing. Within 14 calendar days of the decision, the Planning Department shall place the Architectural Review Board decision together with findings in support of the decision and other necessary information in a written form. The written materials prepared by the Planning Department shall be approved and signed by the Chair or Acting Chair of the Board, and thereafter such materials shall be the final decision of the Board. The written decision of the Architectural Review Board shall become final 14 calendar days after notice of the decision is given, unless within the 14 calendar days a written request for review to the City Council is received at the City offices by 5:00 p.m. on the 14th day. Notice of the final decision of the Architectural Review Board decision may be provided to any person, but shall be mailed by first class mail to:
- (a) recipients pursuant to TDC 31.064(1) and those owners of property within the vicinity of the subject property as described in TDC 31.064(1)(c) who commented on the proposal;
 - (b) City Council members;
 - (c) potentially affected governmental agencies such as: school districts, fire district, Clean Water Services, where the project site either adjoins or directly affects a state highway, the Oregon Department of Transportation and where the project site would access a county road or otherwise be subject to review by the county, then the County; and
 - (d) members of the Architectural Review Board.
- (4) Where a request for review is directed only to the City Council, the review hearing shall be scheduled for a Council meeting date. The City Council shall conduct a hearing in accordance with quasi-judicial evidentiary hearing procedures in TDC 31.077.
- (5) Where a request for review is directed by the ~~Community Development Director~~ City Manager to both the City Council on a Utility Facilities decision and the Architectural Review Board for an Architectural Features decision, the review hearing conducted by the City Council shall be stayed pending a final decision of the Architectural Review Board. The Council may consolidate evidentiary hearings on matters subject to direct review by the Council with related matters appealed to the Council

from the Architectural Review Board. Quasi-judicial evidentiary hearing procedures shall be followed.

- (6) Upon review, the decision shall be to approve, approve with conditions or deny the application under review. The decision shall be in writing and include findings of fact and conclusions for the particular aspects of the decision, which shall be based upon applicable criteria. At a minimum, the decision shall identify the Architectural Review Plan, if any, the applicant or a person to be contacted on behalf of the applicant, the date of the decision, the decision, an explanation of the rights to request a review of the decision, and any time frame or conditions to which the decision is subject.

Section 4. TDC Chapter 32.030 is amended to read as follows:

Section 32.030 Planning Commission to Conduct Hearing on Criteria for Review of Conditional Uses; Criteria.

- (1) The Planning Commission is the hearing body for determining conditional use applications.
- (2) The ~~City Council~~ Planning Commission may allow a conditional use, after a hearing conducted pursuant to TDC 32.070, provided that the applicant provides evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied, and further provided that the applicant demonstrates that the proposed use also satisfies the following criteria:
 - ~~(1)~~(a) The use is listed as a conditional use in the underlying planning district.
 - ~~(2)~~(b) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.
 - ~~(3)~~(c) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.
 - ~~(4)~~(d) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.
 - ~~(5)~~(e) The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Section 5. TDC Chapter 32.040 is amended to read as follows:

Section 32.040 Authority and City Council Planning Commission Action.

- (1) ~~The City Council Planning Commission may approve, approve with conditions, or deny the application for a conditional use permit.~~

- (2) In permitting a conditional use, the ~~City Council Planning Commission may impose, in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole. ~~The conditions may include requirements increasing the required lot size or yard dimensions, controlling the location and number of vehicular access points to the property, increasing street width, requiring dedication and improvement of additional right of way, increasing the number of off-street parking or loading spaces required, limiting the coverage or height of buildings because of obstruction of view or reduction of light or air to adjacent property, limiting the hours of operation, requiring sight obscuring fencing and landscaping, requiring construction of sound barriers such as earth berms or masonry walls, allowing co-location of antenna systems or platforms on a wireless communication support structure, requiring monopole design for wireless communication support structures, specifying the type of architectural treatment for wireless communication support structures to be compatible with its surrounding, requiring that obsolete or unused wireless communication support structures and associated equipment and antennas be removed within 12 months of cessation of operations at a site, and requiring any future enlargement or alteration of the use to be reviewed by the City Council.~~~~

- (3) ~~The City Council Planning Commission may also require a review of the conditional use by the City Council Planning Commission on or before a specified date and may upon such review impose further conditions consistent with this Chapter. In no event shall can this Chapter be used as a means to exclude multi-family housing from the City.~~

Section 6. TDC Chapter 32.070 is amended to read as follows:

Section 32.070 Public Hearing for a Conditional Use. Before acting on a request for a conditional use permit, a proposed conditional use ~~shall~~ must be considered by the ~~City Council Planning Commission at a public hearing conducted in the manner provided for in TDC 31.077. The City Council Planning Commission may recess a hearing on a request for a conditional use permit in order to obtain additional information or serve further notices upon property owners or persons who it decides may be interested in or affected by the proposed conditional use. Upon recessing for this purpose, the City Council Planning Commission shall must announce the time, place and date when the hearing will be resumed.~~

Section 7. TDC Chapter 32.080 is amended to read as follows:

Section 32.080 Revocation of Conditional Use Permit.

- (1) Any previously granted conditional use permit may be revoked by the City Council Planning Commission, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:
 - (a) Failure to comply with the conditions of approval.
 - (b) Discontinuance of the use for a period in excess of two years.
 - (c) Failure to comply with other applicable provisions of the Tualatin Community Plan regarding design, dimensional or use requirements.
 - (d) A change in the Tualatin Community Plan or Planning District Standards of the planning district within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such planning district.
- (2) Revocations initiated under TDC 32.080(1)(a) or (b) above shall not be initiated for at least 6 months after approval of the conditional use permit. Revocations initiated under TDC 32.080(1)(a), (b) and (c) above shall have the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated under TDC 32.080(d) above shall have the effect of making the previously granted conditional use a nonconforming use.

Section 8. TDC Chapter 32.090 is amended to read as follows:

Section 32.090 Automatic Termination of Conditional Use; Request for Extension.

- (1) Unless otherwise provided by the City Council Planning Commission in the ~~resolution~~ written decision granting approval of the conditional use permit, a conditional use permit ~~shall automatically become~~ is null and void two (2) years after the effective date upon which it was granted, unless the applicant, or successor in interest, has done one of the following within two (2) years of the effective date of the conditional use permit events occur:
 - (a) ~~The applicant or his successor in interest has secured a building permit within said two-year period, if a building permit is required, and has actually commenced construction of the building or structure in conformance of the building permit and conditional use permit authorized by the permit within said two-year period.~~
 - (b) ~~The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said two-year period.~~

~~(2)(c) The applicant may submit a written request to the City Council for submit a request for an extension of time on the conditional use permit to avoid the permit's becoming null and void.~~

- (2) ~~A The request for an extension must be submitted prior to the expiration date of the times established by Subsection (1) above the conditional use permit, as established by the Planning Commission in granting the conditional use permit.~~
- (3) ~~Upon receipt of the request for an extension of time, the Planning Commission will hear the matter under the quasi-judicial procedures in TDC 31.077. The Planning Commission may grant or deny the extension of time, provided the extension of time does not exceed two (2) years. The City Council may, in the resolution granting such conditional use permit, provide for an extension of time beyond 1 year.~~

Section 9. Findings. The Council adopts as its findings the *Analysis and Findings* set forth in Exhibit 1, which is attached and incorporated by reference.

Section 10. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Adopted by the City Council this ____ day of _____, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibit 1
Ordinance No. 1406-17

PTA-17-01
ANALYSIS & FINDINGS

Plan Text Amendment 17-01 (PTA17-01) amends the Tualatin Development Code (TDC) to change the review authority for conditional use permits from the Tualatin City Council to the Tualatin Planning Commission (TPC) to allow for increased public involvement in local land use decisions; TPC decisions on conditional use permits may be appealed locally to the City Council. No other changes to TPC responsibilities or authorities are proposed.

The Analysis and Findings presented here pertain only to the Plan Text Amendment (PTA) proposed to amend language in TDC Chapters 2, 31, and 32 (see Attachment 101, "Proposed Amending Text").

Plan Amendment Criteria (TDC Section 1.032)

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below.

1. Granting the amendment is in the public interest.

Staff identifies that it is in the public interest to:

- a) maintain or increase the influence of public involvement in city planning; and
- b) maintain or increase the efficacy of bodies designated by the City Council to examine in the public interest issues of like kind such as those grouped under city planning, recommend actions to the Council, and support bridging the public and the Council on issues related to city planning.

TDC Section 2.050 Citizen Involvement, part of the Tualatin Comprehensive Plan (Comp Plan), originally designated the Tualatin Planning Advisory Committee (TPAC) as a citizen body responsible for fulfilling the Statewide Planning Goal 1 "Citizen Involvement." TPAC was solely an advisory committee until 2012 when the City Council transformed this body into the Tualatin Planning Commission (TPC) and granted this newly-formed commission the authority to render decisions on the following land use applications:

1. Industrial Master Plans (IMP);
2. Reinstatements of Use;
3. Sign Variances (SVAR);
4. Transitional Use Permits (TRP); and
5. Variances (VAR).

The objective of the amendment is to add conditional use permits (CUP) to this list. TPC will remain the decision-making body for the five (5) land use application types listed above, and will retain the responsibility for recommendations other applicable

land use applications and continue to provide for citizen involvement. The proposed amendment will add another level of local review to appropriate land use applications; appeals of TPC decisions will still be heard by the City Council.

The suggestion of transferring the decision-making authority for conditional use permits from the City Council to the TPC was made by the TPC Chair at the conclusion of the presentation of the *Planning Commission Annual Report* at the City Council meeting on April 10, 2017. The TPC Chair noted that TPC has presided over minimal quasi-judicial decisions in the past year, and allowing TPC to review conditional use permits would lessen some of the land use caseload of the City Council; in addition, appeals would remain local rather than going to the Land Use Board of Appeals (LUBA). Both the Mayor and the City Council stated they were open to further discussion on this transfer of authority at a future City Council work session.

The consideration of TPC review of conditional use permit applications was discussed at the April 20, 2017 TPC meeting, ultimately leading to a unanimous vote at the May 18, 2017 TPC meeting to recommend that the City Council delegate approval authority for conditional use permits to TPC.

The amendment signals greater empowerment of the TPC and establishes incentive for increased member participation and public engagement. TPC will continue to meet Statewide Planning Goal 1 and principles (a) and (b) listed above.

As granting the amendment is in the public interest, Criterion “1” is met.

2. The public interest is best protected by granting the amendment at this time.

As discussed for Criterion “1” above, the objective of the proposed amendment is to assign an additional decision-making authority to the TPC and further the citizen participation aims of Oregon Statewide Planning Goal 1 “Citizen Involvement.” Additionally, the most recent *Planning Commission Annual Report* identified a lack of actionable TPC agenda items and the transfer of the review of conditional use permits to this body will add to its sense of purpose, increase public engagement with the body, and lessen the land use caseload of the City Council and create a local appeal level. This proposed amendment is scheduled to be presented to the City Council at their October 23, 2017 work session. These conditions make the amendment timely.

Therefore, granting the amendment at this time best protects the public interest, and Criterion “2” is met.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

As discussed in *TDC Section 2.050 Citizen Involvement*, the Citizen Involvement Program, the instrument used to fulfill Statewide Planning Goal 1 “Citizen Involvement,” is and will remain under the authority of the TPC. The amendment does not interfere with the Tualatin Community Plan’s citizen involvement objectives

but will increase citizen involvement by adding an additional level of local review for land use decisions.

Criterion “3” is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The factor is not applicable as the proposed amendment pertains to TPC review authority citywide and does not specifically target any planning district designation or specific neighborhood/geographic area.

The suitability of the area for particular land uses and improvements.

The factor is not applicable as the proposed amendment pertains to TPC review authority citywide and does not specifically target any planning district designation or specific land use or improvement.

Trends in land improvement and development.

The factor is not applicable as the proposed amendment would not result in legislative changes that would affect trends in land improvement and/or development.

Property Values.

The factor is not applicable as the proposed change to the decision-making authority of an existing type of land use application will not affect property values.

The needs of economic enterprises and the future development of the area.

The factor is not applicable as the proposed change to the decision-making authority of an existing type of land use application will not affect the needs of economic enterprises and the future development of the area.

Needed right-of-way and access for and to particular sites in the area.

The factor is not applicable as the proposed amendment would not result in legislative changes that would affect rights-of-way and/or access; in addition, this PTA is citywide in scope and does not specifically target any planning district designation or specific sites within Tualatin.

Natural resources of the City and the protection and conservation of said resources.

The factor is not applicable as the proposed amendment would not directly affect natural resources—and the protection and conservation of said resources—nor would it result in changes to existing or proposed development that might result in indirect effects on said resources.

Prospective requirements for the development of natural resources in the City.

The factor is not applicable as the proposed amendment solely pertains to a change to the decision-making authority of an existing type of land use application will not affect the prospective requirements for the development of natural resources in the City.

And the public need for healthful, safe, aesthetic surroundings and conditions.

The factor is not applicable as the proposed amendment would not affect City policy concerning the public need for healthful, safe, aesthetic surroundings and conditions.

Proof of change in a neighborhood or area.

The applicant does not assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

The applicant does not assert a mistake in the Plan Text or Plan Map. The PTA is the next evolutionary step in the legislative authorities granted to the TPC, itself once titled the Tualatin Planning Advisory Committee (TPAC) without the authority to render decisions on the five (5) types of land use actions under its jurisdiction today. This PTA is intended to increase citizen involvement in the local planning process.

All of the above factors were consciously considered; therefore, Criterion “4” is met.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

As the PTA does not result in a change to plans or development regulations that would impact school facility capacity, Criterion “5” is not applicable.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 19 statewide planning goals, staff determined that two goals are applicable to the proposed PTA: Goal 1 “Citizen Involvement” and Goal 2 “Land Use Planning.”

Goal 1, “Citizen Involvement,” is stated as “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”

As discussed in the findings to criteria 1 through 3 above, the proposed amendment will transfer additional decision-making authority to the TPC, the body responsible for fulfilling the Statewide Planning Goal 1 “Citizen

Involvement.” The proposed amendment will add another level of local review to conditional use permits, and the TPC will retain the responsibility for recommendations other applicable land use applications and continue to provide for citizen involvement.

This Goal is satisfied.

Goal 2, “Land Use Planning,” is stated as “to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

The Department of Land Conservation and Development (DLCD) has acknowledged the City’s Comprehensive Plan as being consistent with the statewide planning goals. The proposed amendment will not result in a significant change to Tualatin’s land use planning procedures and policy framework, but will serve as an appropriate transfer of decision-making authority from the City Council to the TPC, strengthening TPC involvement in the City’s local planning process.

This Goal is satisfied.

The PTA is consistent with Statewide Planning Goals 1 and 2; therefore, Criterion “6” is met.

7. Granting the amendment is consistent with the Metropolitan Service District’s Urban Growth Management Functional Plan.

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07, neither precludes the amendment nor regulates how a local government administers its planning commission or equivalent; as such, Criterion “7” is met.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City’s planning area.

As the PTA does not relate to vehicle trip generation, Criterion “8” is not applicable.

9. Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.

As the PTA does not relate to potable water, sanitary sewer, and surface water management, Criterion “9” is not applicable.

10. The applicant has entered into a development agreement.

(a) This criterion shall apply only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

(b) This criterion is applicable to any issues about meeting the criterion within 1.032(9).

As the PTA is not property-specific and the applicant (the City of Tualatin) has not entered into an associated development agreement, Criterion “10” is not applicable.

City Council Meeting

Meeting Date: 11/13/2017

CONSENT Council Rules

AGENDA:

CONSENT AGENDA

Consideration of Council Rules

SUMMARY

The Council discussed the Council Rules document on September 11 and directed that it be placed on the agenda for further consideration. Also attached are documents from the cities of Happy Valley and Tigard.

Draft Council Rules

Mayor Ogden Highlighted Draft Rules

Mayor Ogden Comments

Sample- Happy Valley Council Rules

Sample- Tigard Council Rules

Mayor Ogden Track Changes



CITY OF TUALATIN COUNCIL RULES

Adopted _____

Table of Contents

RULE 1 - General Governance.....	1
RULE 2 – Meeting Time, Location, and Frequency	8
RULE 3 – Ordinances and Resolutions	12
RULE 4 – Land Use Hearings	145
RULE 5 – Motions, Debate, Public Comment and Voting	19
RULE 6 - Minutes	23
RULE 7 - Appointments.....	24
RULE 8 – Ethics, Decorum, Outside Statements, and Social Media.....	27
RULE 9 – Interactions with City Staff & City Attorney	29
RULE 10 – Enforcement and Consequences.....	30
RULE 11 – Amendment and Repeal of Council Rules.....	31
RULE 12 – Finances and Travel Policy	32

RULE 1

General Governance

A. Rules of Procedure.

1. Chapter IV of the Charter authorizes the Council to adopt rules of procedure for Council meetings.¹ Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings, and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11th Edition.
2. Members of Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before Council and confuse the public.
3. Whenever these rules and Robert's Rules of Order conflict, these rules govern.

B. Council. The members of Council are the Mayor and the Councilors.² There are six Councilor positions.³

1. Council Position 1 – the term ends December 31, 2018 and every four years thereafter.
2. Council Position 2 – the term ends December 31, 2020 and every four years thereafter.
3. Council Position 3 – the term ends December 31, 2018 and every four years thereafter.
4. Council Position 4 – the term ends December 31, 2020 and every four years thereafter.
5. Council Position 5 – the term ends December 31, 2018 and every four years thereafter.
6. Council Position 6 – the term ends December 31, 2020 and every four years thereafter.

C. Quorum.

1. A quorum is required to conduct official City business. A quorum consists of three (3) Councilors plus the Mayor or Mayor pro tem.⁴
2. In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official

¹ Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings”).

² Charter Sections 7 (Council); 8 (Councilors); 8a(Assignment of Council Positions); 9 (Mayor) (describing Council, Mayor, and powers).

³ Charter Section 8a (Assignment of Council positions).

⁴ Charter Section 14, (“Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance.”).

Council actions will be taken.

D. Presiding Officer.

1. The Mayor is the Presiding Officer and presides over all meetings.⁵
2. In the Mayor's absence the President of the Council, as Mayor Pro-Tem, serves as the Presiding Officer and presides over the meeting.⁶
3. If both the Mayor and the President of the Council are absent from the meeting, the following procedure must be utilized to determine the Presiding Officer for the meeting:⁷
 - a. The City Recorder, or designee, must call the Council to order and call the roll of the members of Council.
 - b. Those members of Council present must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the incumbent members on the Council to become the Presiding Officer for the meeting.
4. Should either the Mayor or the President of the Council arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

E. Other Officers.

1. **City Recorder, or designee.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meetings laws.
2. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and is permitted to participate in any discussion; however, the City Manager has no authority to cast a vote in any decision rendered by the Council.⁸

⁵ Charter Section 17 (Mayor's Functions at Council Meetings) ("The Mayor shall be chair of the Council and preside over its deliberations.").

⁶ Charter Section 18 (President of the Council) ("In the Mayor's absence from a Council meeting, the president shall preside over it as Mayor pro tem.").

⁷ Charter Section 33 (Filling of Vacancies) (authorizes the Council to fill temporary vacancies by majority vote of the "incumbent members.") The term "incumbent members" in the Charter means the entire Council minus any permanently vacant seats (e.g., resignation, death, permanent incapacity). For instance, if the Mayor and Council President are absent, but 5 Councilors are present at the meeting, a Councilor must receive at least 4 votes to become the Presiding Officer because there are 7 "incumbent members" of the Council. However, if two seats on Council are permanently vacant seats, then in the same scenario above, the Councilor must receive 3 votes to be the Presiding Officer because there are 5 "incumbent members." The term "incumbent members" does not mean a majority of those Councilors actually attending the meeting.

⁸ Charter Sections 20a (City Manager) ("attend all meetings of the Council, unless excused therefrom"); Section 22 (Recorder). The person appointed as City Manager is also the same person appointed as the Recorder.

3. **City Attorney.** The City Attorney serves as the parliamentarian of the Council and will advise the Council on any questions of order. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

F. Agendas.⁹

1. The City Manager must prepare an agenda for every meeting, including regular, special, and executive session meetings.
2. Agendas and informational material for meetings will generally be distributed to the Council at least seven (7) days preceding the meeting. However, in certain circumstances less time may be provided.
3. The agenda for a meeting does not require Council approval.
4. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
5. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer must announce such removal under announcements.
6. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the member of Council present at the meeting.
7. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

G. Order of Business.

1. The order of business for all regular meetings will be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by a majority vote:¹⁰
 - a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;

⁹ An agenda is required by ORS 192.640 (Oregon Public Meetings Law) (public notice of a meeting must include “[a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.]”)

¹⁰ Charter Section 17 (Mayor’s Functions at Council Meetings) (the Mayor is to “determine the order of business under the rules of the Council.”)

- b. **Announcements.** Brief announcements relating to the community, including upcoming events and proclamations;
- c. **Citizen Comments.** Public comments received concerning matters not on the agenda for the meeting;
- d. **Consent Agenda.** Routine items to be adopted by one motion of the Council;
- e. **Special Reports.** Reports of City Boards and Commissions, proclamations, special presentations, or reports.
- f. **Public Hearings (Legislative and Other).** Public hearings on legislative land use matters;
- g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters.
- h. **General Business.** Consideration of ordinances, resolutions, contracts, policy statements, and other items. General Business items may also include public hearings on those matters.
- i. **Items Removed from Consent Agenda.** Any item removed from the Consent Agenda will be discussed and voted on at this time;
- j. **Communications from Councilors.** Announcements and information provided by members of Council; and
- k. **Adjournment.** The conclusion of the meeting. Adjournment of the meeting is by majority vote of the members of Council present at the meeting.

H. Reports of Boards, Commissions, Committees, Elected Officials and City Employees.

1. When necessary, reports can be given to the Council by boards, commissions committees, elected officials and/or City employees.
2. When appropriate, reports to the Council should include written materials which are provided to the Council at least seven (7) days in advance of the meeting.
3. Oral reports to the Council should generally not exceed five (5) minutes in length.
4. The Council may ask questions of the presenter upon conclusion of the report being given.

I. Public Comment.

1. One (1) period for public comment will be reserved for every regular meeting of the Council.
2. Persons wishing to speak during public comment must sign the "Speaker Request Form" and provide the person's name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.

3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
5. Generally, speakers will be called upon in the order in which they have signed the "Speaker Request Form." Before providing any public comment, speakers must announce the person's name and place of residence to the Council. The Presiding Officer may allow additional persons to speak even if the speaker has not signed the "Speaker Request Form."
6. Members of Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing it on a future agenda. Any member of Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.
7. Speakers may play electronic audio or visual material during the time permitted for comment and may use available City-provided audio or visual equipment located in the Council chambers.

J. Consent Agenda.

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of Council by stating which item is to be removed and the reason for removal.
4. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of Council must declare a conflict of interest.

K. Ordinances and Resolutions – See RULE 3

L. Public Hearings Generally.

1. A public hearing may be held on any matter upon majority vote of the Council. Public

hearings may be held to consider legislative, quasi-judicial, or administrative matters.

2. Persons wishing to speak must sign the "Speaker Request Form" with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council must use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters. The Presiding Officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer must announce any such restrictions prior to the commencement of the testimony.
9. At the end of public testimony and questions of staff, the Council must do one of the following:
 - a. Initiate deliberations by introducing a motion on the matter;
 - b. Continue the hearing; or
 - c. Keep the record open for additional written testimony.
10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.

11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1).

M. Conduct of Hearings on Land Use Matters – See RULE 4

RULE 2

Meeting Time, Location, and Frequency

A. Regular meetings. The Council will hold regular meetings at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday in December. If a second or fourth Monday falls on a City-recognized holiday, the meeting will be held on the following business day.¹¹

B. Special meetings. Special meetings may be called by the Mayor, three members of Council, or by the City Manager.¹²

1. The City Manager will provide notice of the special meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of special meetings.
2. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Special meetings must be noticed in accordance with Oregon's public meetings law, and, at a minimum, must be noticed at least 48 hours prior to the meeting taking place.

C. Emergency meetings. Emergency meetings may be called by the Mayor, three members of Council, or by the City Manager.¹³

1. The City Manager will provide notice of the emergency meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of emergency meetings.
2. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Emergency meetings are those meetings called with less than 48 hours' notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
4. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.

¹¹ Charter Section 13 (Meetings) ("The Council shall hold a regular meeting at least once a month in the City at a time and a place which is designated."); Tualatin Municipal Code 1-04 (setting forth specific times of meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

¹² Charter Section 13 (Meetings) ("The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council in accordance with procedures prescribed by the state law and general ordinance. Special meetings of the Council may also be held by the common consent of all the members of the Council in accordance with procedures prescribed by state law and general ordinance."); Tualatin Municipal Code 1-04 (48 hours' notice requirement for Special Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

¹³ Charter Section 13 (Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

D. Executive Sessions. Executive sessions may be called by the Presiding Officer, by the request of three members of Council, by the City Manager, or by the City Attorney.¹⁴

1. Executive Sessions may be called for any purpose authorized by ORS 192.660, including but not limited to the following reasons:
 - a. Consider employment of a public officer, employee, or agent pursuant to regularized procedures for hiring adopted by the public body in meetings open to the public in which there has been opportunity for public comment. (ORS 192.660(2)(a)).
 - b. Consider discipline of a public officer, employee, or agent. (ORS 192.660(2)(b)).
 - c. Conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d)). Conduct deliberations with persons designated to negotiate real estate transactions (ORS 192.660(2)(e)).
 - d. Consider information or records exempt by law from public inspection. (ORS 192.660(2)(f)).
 - e. Consult with legal counsel concerning litigation or litigation likely to be filed. (ORS 192.660(2)(h)).
 - f. Review and evaluate the employment-related performance of the chief executive officer pursuant to standards, criteria, and policy directives adopted by the governing body. (ORS 192.660(2)(i)).
2. Only members of Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
4. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.

E. Work Sessions. Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.¹⁵

1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.

¹⁴ Charter Section 13 (Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

¹⁵ Charter Section 13 (Meetings); TMC 1-4-020 (“A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, before each regular meeting.”); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
4. Work sessions are to be scheduled by the City Manager.
5. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.

F. Location of Meetings.¹⁶

1. Council meetings must be held at City Hall.
2. In the event City hall is not available for a meeting, the Council must meet at a venue open to the public and which is located within the jurisdictional limits of the City.
3. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
4. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
5. No Council meeting must be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

G. Notice of Meetings. The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon's public meeting law and City codes.¹⁷

H. Attendance at Meetings.

1. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.¹⁸
2. Members of the Council must advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees.

¹⁶ This section sets forth the requirements for public meetings locations as contained in ORS 192.610 to 192.690 (Oregon Public Meetings Law).

¹⁷ Tualatin Municipal Code Chapter 1-04 (48 hours' notice for meetings); ORS 192.610 to 192.690 (Oregon Public Meetings Law).

¹⁸ Charter Section 32 (What Creates Vacancy) (vacancy created "upon absence from the City for 30 days without the consent of the Council or upon absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy.")

3. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard.¹⁹ The preference of the Council is for all members of Council to attend in person.
4. A member of Council may not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, must remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
5. The City Manager must track each member of Council's attendance at regular, special, emergency, and work session meetings, and assigned committee meetings. The City Manager must present to the Council a quarterly report of each member of Council's attendance.

¹⁹ ORS 192.610 to 192.690 (Oregon Public Meetings Law) requires the public to have the opportunity to hear the proceedings of a meeting.

Rule 3 Ordinances and Resolutions

A. Ordinances. An ordinance is a law passed by the Council in its legislative capacity. All ordinances considered by and voted upon by the Council must adhere to the rules outlined herein.

1. **Numbering.** The City Recorder, or designee, must number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the ordinance was introduced.
2. **Preparation.**
 - a. The enacting clause of each ordinance must be “The City of Tualatin ordains as follows.”²⁰
 - b. All ordinances must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney’s designee.
 - c. No ordinance can relate to more than one subject, which must be clearly expressed in its title, and no ordinance, or section thereof, can be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
3. **Introduction.**
 - a. An ordinance is introduced for consideration by the Presiding Officer for presentation for first reading.
 - b. After introduction, the Council may direct by majority vote of the members present any of the following:²¹
 1. A public hearing on the ordinance be held;
 2. Refer the ordinance to committee for review and recommendation;
 3. Refer the ordinance to the City Manager for further revision;
 4. Pass the ordinance to a second reading; or
 5. Reject the ordinance in whole or in part.
4. **Readings and Final Action.**
 - a. Every ordinance of the Council must, before final passage, be read fully and

²⁰ Charter Section 34 (Enacting Clause).

²¹ Charter Section 19 (Vote Required) Charter Section 35 (Mode of Enactment).

distinctly in an open Council meeting on two different days.²²

- b. However, an ordinance may be enacted at a single meeting, if the Council approves the ordinance by the unanimous vote of all Council members present. In such cases, the ordinance must be read first in full and then by title.²³
- c. Any of the readings may be by title only, instead of a full reading, if:²⁴
 1. No Council member present at the meeting requests to have the ordinance read in full; or
 2. A copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder, or designee, not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by: (i) written notice posted at the City Center; or (ii) advertisement in a newspaper of general circulation in the City.
- d. An ordinance enacted after being read by title alone has no legal effect if it differs substantially from its original terms, unless, prior to being approved by the Council, each substantial difference is read fully and distinctly at the meeting as finally amended.²⁵
- e. The City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on an ordinance and the ayes and nays and abstentions of the members of Council must be recorded in the meeting minutes.²⁶
- f. Upon the enactment of an ordinance, the City Recorder, or designee, must sign it with the date of its passage, the City Recorder, or designee’s name and title of office, and within three days thereafter the Mayor must sign with the Mayor’s name, and the title of office.²⁷

B. Resolutions. A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.

²² Charter Section 35 (Mode of Enactment).

²³ Charter Section 35 (Mode of Enactment).

²⁴ Charter Section 35 (Mode of Enactment).

²⁵ Charter Section 35 (Mode of Enactment).

²⁶ Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); Charter Section 15 (Journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

²⁷ Charter Section 35 (Mode of Enactment).

1. **Numbering.** The City Recorder, or designee, must number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the resolution was introduced.

2. **Preparation.**

- a. The resolving clause of each resolution must be “Be it resolved by the City Council of the City of Tualatin that:”
- b. All resolutions must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney’s designee.

3. **Introduction.**

- a. Resolutions must be introduced by the Presiding Officer.
- b. After introduction of the resolution, the Council may direct that:
 1. A public hearing be held on the resolution;
 2. Pass the resolution; or
 3. Reject the resolution in whole or in part.

4. **Readings and Final Action.**

- a. Resolutions do not need to be read in full or by title at a Council meeting prior to adoption.
- b. An affirmative vote of a majority of the Council members present is necessary to pass a resolution.²⁸
- c. Resolutions may be placed on the Consent Agenda and may be considered as a group under the Consent Agenda.
- d. Resolutions may also be placed on the agenda as a General Business item.
- e. For resolutions placed on General Business, the City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on the resolution and the ayes and nays and abstentions of the members must be recorded in the meeting minutes.²⁹

²⁸ Charter Section 19 (Vote Required) (“ Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

²⁹ Charter Section 15 (Journal) (“Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.”); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of

RULE 4 Land Use Hearings

A. General Conduct of Hearings.³⁰

1. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized Citizen Involvement Organization (CIO) present the party's case.
2. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding.
3. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
4. Upon being recognized by the Presiding Officer, any member of Council, may question any person who testifies.
5. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
6. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must note the numbers of such persons for the record in the minutes.

B. Quasi-Judicial Land Use Matters.

1. **Scope of Review.** All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
2. **Conflicts of Interest.**
 - a. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 1. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter; or
 2. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.

all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name").

³⁰ State law governs this process. ORS Chapter 197 (Comprehensive Land Use Planning; ORS Chapter 227 (City Planning and Zoning).

3. **Ex Parte Contact.**

- a. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Attorney before the meeting begins.
- b. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. See, ORS 227.180. If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

4. **Burden of Proof.**

- a. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- b. The decision of the Council must be based on the applicable standards and criteria set forth in the Tualatin Development Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- c. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

5. **Hearing Procedures.** The order of hearings in quasi-judicial land use matters is:

- a. Land Use Hearing Disclosure Statement. The Presiding Officer must read the land use hearing disclose statement, which must include:
 1. A list of the applicable criteria;
 2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
- b. Call for ex parte contacts. The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.

- c. Call for abstentions. The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest must or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises.
- d. Staff summary. Planning staff will present a summary and recommendation concerning the proposal.
- e. Presentation of the Case. The presentation of the case will be as follows:
 1. Proponent's case.
 2. Persons in favor.
 3. Persons opposed.
 4. Other interested persons.
 5. Rebuttal. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- f. Close of hearing. Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of additional factual evidence, all parties must be afforded an opportunity for rebuttal.
- g. Deliberations. Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

6. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.

7. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

C. **Legislative Land Use Matters.**

1. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:

- a. **Call for abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.

- b. **Staff summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
- c. **Presentation of the Case.** The presentation of the case will be as follows:
1. Proponent's case.
 2. Persons in favor.
 3. Persons opposed.
 4. Other interested persons.
- d. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
- e. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- f. **Reopening hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

RULE 5

Motions, Debate, Public Comment, and Voting

A. Motions. The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. If a motion does not receive a second, it dies.
5. A motion that receives a tie vote fails.³¹
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone;
 - d. To refer; or
 - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

³¹ Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

B. Motion to Reconsider.

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

C. Debate. The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

D. Public Comment.

1. The public is entitled to comment on all matters before the Council that require a vote.
2. Public comment will occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
3. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
4. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided a later time.
5. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
6. All remarks must be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

E. Voting. The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 3 of these Rules.

1. **Reports.** A majority of a quorum is required to approve or accept a report. However, no vote is required if the report is only for informational purposes.³²

³² Charter Section 19 (Vote Required) ("Except as this Charter otherwise provides, the concurrence of
Page | 20

2. **Consent Agenda.** The unanimous vote of all members of Council present is required to approve the matters on a consent agenda.
3. **Ordinances.** An ordinance requires a majority of a quorum to pass.³³
4. **Emergency Ordinances.** An emergency ordinance requires the unanimous vote of all Council members present.³⁴
5. **Resolutions.** A majority of a quorum is required to pass a resolution.³⁵
6. **Budget.** The budget requires a majority of a quorum to pass.³⁶
7. **Franchise Agreements.** A majority of a quorum is required to pass an ordinance granting a franchise.³⁷
8. **Suspension of Rules.** A unanimous vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the Charter may not be suspended or rescinded.³⁸

a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

³³ Charter Section 35 (Mode of Enactment); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

³⁴ Charter Section 35 (Mode of Enactment) (“an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council member present...”); Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

³⁵ Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

³⁶ Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

³⁷ Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

³⁸ Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

F. Votes. All votes must be recorded in the minutes.³⁹

G. Tie Votes. Tie votes indicate a denial of the motion or proposal.⁴⁰

H. Effective Date.

1. Ordinances take effect 30 days from the date of passage, unless a later date is indicated in the ordinance, in which case it takes effect on that date. However, the following ordinances take effect immediately upon passage:⁴¹
 - a. Ordinances making appropriations and the annual tax levy;
 - b. Ordinances relative to local improvements and assessments; and
 - c. Emergency ordinances.
2. A resolution becomes effective upon adoption unless otherwise stated in the resolution.
3. The filing of a referendum petition suspends the effective date of an ordinance.

³⁹ Charter Section 15 (Journal); Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

⁴⁰ Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

⁴¹ Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

RULE 6 Minutes

A. Generally.⁴²

1. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder, or designee, in accordance with the appropriate record retention schedule.
2. The minutes must contain the following information:
 - a. The date, time and place of the meeting;
 - b. The members of the Council present;
 - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - d. The results of all votes and the vote of each member by name;
 - e. The substance of any discussion on any matter; and
 - f. A reference to any document discussed at the meeting.

B. Approval. The Council must approve all minutes of any meeting.

1. All minutes must be approved within ninety days of the meeting having occurred.
2. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
3. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

⁴² Charter Section 15 (Journal) ("The Council shall cause a journal of its proceedings to be kept. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal."); Charter Section 13 (Meetings); Charter Section 22 (Recorder); see also, ORS 192.610 to 192.690 (Oregon Public Meetings Law).

RULE 7 Appointments

A. Appointments of City Staff. The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the entire Council.^{43 44}

B. City Manager/Recorder. The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.⁴⁵

1. **Reviews.** The City Manager is subject to a review by the Council to be conducted in even numbered years before the last Council meeting in December.

2. **Removals.** The City Manager may be removed by a majority vote of the entire Council.⁴⁶

C. Municipal Judge. The Council appoints and may remove the Municipal Judge, including pro tem judges.⁴⁷

⁴³ Charter Section 20a (City Manager); Charter Section 21 (Municipal Judge); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

⁴⁴ The City Manager has the power to appoint and remove all other City officers under Charter Section 20a (City Manager) (City Manager's power to "appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them....")

⁴⁵ Charter Section 20a (City Manager) ("The Manager shall be chosen by the Council...."); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

⁴⁶ Charter Section 20a (City Manager) ("The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council."); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

⁴⁷ Charter Section 21 (Municipal Judge) ("The Council may, in addition to appointing the Municipal Judge, appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the Council."); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council

1. **Reviews.** Any judge appointed by the Council is subject to an annual review by the Council.
2. **Removals.** All appointed judges may be removed by a majority vote of the entire Council.⁴⁸
3. **Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance may the Council interfere with the judge's exercise of judicial authority or discretion.⁴⁹

D. Council Subcommittees. Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.⁵⁰

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.⁵¹
2. Council subcommittees may be standing committees or other committees created under the rules of the Council.
3. The following are current Council subcommittees that have been previously created or are created by these rules. These may be dissolved by majority vote of the members of Council present at a meeting:
 - a. Council Committee on Advisory Appointments. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees.
 - b. Governance Committee. The purpose of the Governance Subcommittee is review

may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”).

⁴⁸ Charter Section 21 (Municipal Judge) (“The Council may, in addition to appointing the Municipal Judge, appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the Council.”); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”).

⁴⁹ Charter Section 21(Municipal Judge); Charter Section 10 (Other Officers).

⁵⁰ Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

⁵¹ Charter Section 20 (Mayor) (“The Mayor shall appoint the committees provided by the rules of the Council and sign all approved records of proceedings of the Council.”)

the Council Rules and recommend amendments and changes to the full Council.

E. Appointments of Citizen Members to Boards, Commissions and/or Committees.

1. **Council Committee on Advisory Appointments.** The Council Committee on Advisory Appointments (CCAA) is a standing subcommittee of the Council. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees through the following general process:
 - a. The CCAA will conduct interviews of all candidates for appointment, including candidates wishing to renew their appointments.
 - b. After reviewing the candidates, the CCAA will vote on all recommendations and forward those recommendations to the full Council for consideration.
 - c. Upon receiving the recommendation from the CCAA, the Council will place the names for consideration on the regular meeting agenda as a General Business item.
 - d. The Council may consider the candidates submitted as a group or may consider each candidate individually.
 - e. The Council may accept, reject, or appoint any candidate, including those not considered by the CCAA.
 - f. All appointments must be by majority vote of the members of Council present.

RULE 8

Ethics, Decorum, Outside Statements, and Social Media

A. Ethics. ⁵²

1. All members of Council must review and observe the requirements of state ethics laws.
2. In addition to complying with state ethics law, all members of Council must refrain from:
 - a. Disclosing confidential information.
 - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
 - c. Expressing an opinion contrary to the official position of the Council without so saying.
 - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.
 - e. Not profiting from their position on Council in violation of state law.
3. All ethics complaints received about a Councilor will be forwarded to the Oregon Government Ethics Commission (OGEC).

B. Decorum.

1. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
2. Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
3. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.
4. All audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting.

C. Statements to the Media and Other Organizations

1. Representing City. If a member of Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the

⁵² ORS Chapter 244 (Government Ethics).

official position of the City, as approved by a majority of the Council.

2. Personal Opinions. If a member of Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor, before giving their statement.

D. Use of Social Media.

1. Members of Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
2. Under ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.⁵³
3. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.⁵⁴
4. The digital decorum of elected and appointed officials will be governed by Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Rule 8 (C)(Statements to the Media and Other Organizations) above in all social medial activities.
5. City Council members will refrain from posting comments that:
 - a. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
 - b. Express an opinion in a manner contrary to Rule 8 (C) (Statements to the Media and Other Organizations) above.

⁵³ ORS 192.610 to 192.690 (Oregon Public Meetings Law).

⁵⁴ ORS 192.410 to 192.505 (Oregon Public Records Law).

RULE 9 Interactions with City Staff

A. City Staff. All members of Council must respect the separation between the Council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.⁵⁵
2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature must be directed to the City Manager. Questions sent to staff must be copied to the City Manager.
4. Members of the Council must normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.

B. City Attorney. Members of the Council may contact the City Attorney directly without contacting the City Manager in the following circumstances:

1. When the issue involves allegations of misconduct by the City Manager;
2. To discuss parliamentary procedures of these Rules; or
3. To discuss substantive legal issues involving pending City business if the legal issue does not require more than two (2) hours of the City Attorney's time.

⁵⁵ Charter Section 20a (City Manager) (“(c) Powers and Duties. The Manager shall: (1) Devote his or her entire time to the discharge of official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City. (2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed. (3) Appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them but shall have no control over the judicial activities of the Municipal Judge. (4) Be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as the body requests. (5) Supervise the operation of all public utilities owned and operated by the City and shall have general supervision over all City property.”).

RULE 10

Enforcement and Consequences

A. Enforcement. The Council may enforce these rules and ensure compliance with City ordinances, charter, and state laws applicable to governing bodies.⁵⁶ If a member of Council violates these rules, City ordinances, the City charter, or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.⁵⁷

B. Investigations and Hearings.

1. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City charter, or state laws applicable to governing bodies has occurred.⁵⁸
2. Before the Council may publicly reprimand or remove a member of Council, the Council must the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).⁵⁹
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).⁶⁰

⁵⁶ Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

⁵⁷ Other than for the reasons stated in Charter Section 32 (What Creates Vacancy), an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

⁵⁸ Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

⁵⁹ ORS 192.610 to 192.690 (Oregon Public Meetings Law) (process for executive session).

⁶⁰ ORS 192.610 to 192.690 (Oregon Public Meetings Law) (process for executive session).

RULE 11 Amendment and Repeal of Council Rules

A. Amendment. These Rules are subject to amendment by the Council.⁶¹

1. Any proposed amendment to these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
2. All amendments to these rules require approval by a majority of Council.
3. Amended rules do not go into effect until the meeting after the rule was approved.

B. Repeal. These Rules are subject to repeal and replacement by the Council. .⁶²

1. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
2. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
3. Any repeal and replacement of these rules requires approval by a majority of Council.
4. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

⁶¹ Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).

⁶² Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).

RULE 12

Finances and Travel Policy

A. Financial Statements. Pursuant to ORS 244.050, members of Councilor are required to file annual Statements of Economic Interest (SEI) by April 15 of each year. For more information, see the Oregon Government Ethics Commission (OGEC) website on how to file.⁶³

B. Health Insurance. Pursuant to Resolution No. 3837-01, members of Council are entitled to receive the following health insurance benefits:

1. The Mayor may receive City health insurance benefits at the family level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers.
2. Councilors may each receive City health insurance benefits at the single employee level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers. Councilors may obtain family level coverage by paying the difference in the cost of the family policy and the single employee policy.
3. The health insurance benefits provided are subject to the rules for enrollment and contractual conditions of the health insurance provider.

C. Technology Stipend. Pursuant to Resolution No. 5128-13, each member of Council is entitled to a technology stipend of \$750.00 to be received at the beginning of their terms of office.

D. Water Bill. Pursuant to Resolution No. 3216-96, each member of Council receives a \$20.00 monthly credit on their water bill.

E. Travel Policy.

1. **Adoption of Reimbursement Rates.** The recent rates established by the U.S. General Services Administration (GSA) are the maximum allowed by destination for reimbursement of per diem rates for meals and lodging, and the maximum allowed for privately owned vehicles for mileage reimbursement. The website to obtain the current per diem rates is www.gsa.gov/perdiem.
2. **Registration Fees for Conferences and Trainings.** Members of Council are encouraged to take advantage of early registration to obtain discounted rates.
3. **Transportation.**
 - a. **Airfare.** The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/ departure times. If the member of Council makes first-class or business- class travel reservations, the member of Council must pay the difference between those rates and the coach rate.
 - b. **Vehicle Rental.** Vehicle rental is a reimbursable expense at the compact rate.

⁶³ ORS Chapter 244 (Government Ethics).

- c. **Ground Transportation.** Ground transportation (e.g., taxis, buses, mass transit, and shuttles) is a reimbursable expense.
- d. **Individual Vehicles.** Members of Council will be reimbursed for City-related travel in their individual vehicles for the actual miles traveled at the GSA rate.

4. **Parking.**

- a. Parking fees are reimbursable for business purposes or attending training.
- b. Long-term economy parking at airports is expected to be used for airport travel of more than one day in duration.

5. **Lodging.**

- a. Reimbursement for lodging is authorized when the member of Council's travel requires an overnight accommodation.
- b. Reimbursement will be at the cost of a single standard room at the per diem rate established by the GSA, or at the conference/training rate.
- c. The final itemized lodging bill is required when submitting for reimbursement of the expenditure.
- d. Any additional room charges room service, movies, personal phone calls, laundry service, etc. are the responsibility of the member of Council. If cell phone coverage is unavailable, business calls will be reimbursed. If in-room internet is necessary to conduct City business, the expense is reimbursable.

6. **Meals.**

- a. The City will pay the GSA per diem rate for meals.
- b. Members of Council have the choice of an advance or a reimbursement for the total authorized per diem amount.
- c. When meals are provided as part of the conference or training, no reimbursement will be given for that meal. Conference "continental" is not considered a meal.
- d. Alcoholic beverages are not authorized for reimbursement.
- e. For a single day trip:
 - 1. Breakfast – Reimbursed when travel begins before 7:00 a.m. and the one-way trip is at least 75 miles.
 - 2. Lunch – Reimbursed when travel begins before 9:00 a.m., lunch is not provided in the training/ conference cost, and the one-way trip is at least 75 miles.
 - 3. Dinner – Reimbursed when travel ends after 7:00 pm and the one-way trip is

at least 75 miles.

- f. For trips involving an overnight stay, meals will be reimbursed based on the time of departure and return:
 - 1. Breakfast – Reimbursed when departure time is before 7:00 a.m. and return time is after 9:00 a.m.
 - 2. Lunch – Reimbursed when departure time is before 9:00 a.m. and return time is after 3:00 p.m.
 - 3. Dinner – Reimbursed when departure time is before 4:00 p.m. and return time is after 7:00 p.m.
- g. A member of Council may meet with and purchase a meal for others, including persons of other government jurisdictions and professional institutions from which an exchange of information is obtained that may aid the City in improving its efficiency, service, or governance.

7. Travel Advances and Reimbursements.

- a. Members of Council may choose to be reimbursed for expenses or receive an advance.
- b. For travel and training cash/check advances, members of Council should submit a check request to the City Manager at least two-weeks in advance of the expected travel or training date, when possible.
- c. If a member of Council chooses to be reimbursed instead of an advance, the member of Council must submit the following:
 - 1. A receipt is provided; or
 - 2. The expense report states the amount spent, who was present, and the specific topic or project of discussion.
- d. Personal items and expenses of family members traveling with the member of Council are not authorized expenses.

F. Council Report Required for Expenses over \$250.00.

- 1. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$250.00, but less than \$1,500.00, is required to give an oral or written documentation for the expenditure to the Council. The written documentation may be placed on the consent agenda for consideration by the Council.
- 2. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$1,500.00 must provide an oral or written report to the Council. The report cannot be placed on the consent agenda, but must be placed separately on the agenda for consideration by the Council.



CITY OF TUALATIN COUNCIL RULES

Adopted _____

Table of Contents

RULE 1 - General Governance.....	1
RULE 2 – Meeting Time, Location, and Frequency	7
RULE 3 – Ordinances and Resolutions	10
RULE 4 – Land Use Hearings	13
RULE 5 – Motions, Debate, Public Comment and Voting	17
RULE 6 - Minutes	20
RULE 7 - Appointments.....	21
RULE 8 – Ethics, Decorum, Outside Statements, and Social Media.....	23
RULE 9 – Interactions with City Staff & City Attorney	25
RULE 10 – Enforcement and Consequences.....	26
RULE 11 – Amendment and Repeal of Council Rules.....	27
RULE 12 – Finances and Travel Policy	28

RULE 1

General Governance

A. Rules of Procedure.

1. Chapter IV of the Charter authorizes the Council to adopt rules for the governance of its members and proceedings. Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings, and any subcommittee of the Council, will be guided by **Robert's Rules of Order**, 11th Edition.
2. Members of Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before Council and confuse the public.
3. Whenever these rules and Robert's Rules of Order conflict, these rules govern.

B. Council. The members of Council are the Mayor and the Councilors. There are six Councilor positions:

1. Council Position 1 – the term ends December 31, 2018 and every four years thereafter.
2. Council Position 2 – the term ends December 31, 2020 and every four years thereafter.
3. Council Position 3 – the term ends December 31, 2018 and every four years thereafter.
4. Council Position 4 – the term ends December 31, 2020 and every four years thereafter.
5. Council Position 5 – the term ends December 31, 2018 and every four years thereafter.
6. Council Position 6 – the term ends December 31, 2020 and every four years thereafter.

C. Quorum.

1. A quorum is required to conduct official City business. A quorum consists of three (3) Councilors plus the Mayor or Mayor pro tem.¹
2. In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official Council actions will be taken.

D. Presiding Officer.

1. The Mayor is the Presiding Officer and presides over all meetings.
2. In the Mayor's absence the President of the Council, as Mayor Pro-Tem, serves as the

¹ Charter Chapter IV, ("Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and **compel the attendance of absent members in a manner provided by ordinance.**"). See, Rule 1(D)(3) of these rules.

Presiding Officer and presides over the meeting.

3. If both the Mayor and the President of the Council are absent from the meeting, the following procedure **must** be utilized to determine the Presiding Officer for the meeting:²
 - a. The City Recorder, or designee, must call the Council to order and call the roll of the members of Council.
 - b. Those members of Council present must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the **incumbent members** on the Council to become the Presiding Officer for the meeting.³
4. Should either the Mayor or the President of the Council arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

E. Other Officers.

1. **City Recorder, or designee.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meetings laws.
2. **City Manager.** The **City Manager, or designee, is required to attend** all meetings of the Council and is permitted to participate in any discussion; however, the City Manager has no authority to cast a vote in any decision rendered by the Council.
3. **City Attorney.** The City Attorney serves as the parliamentarian of the Council and will advise the Council on any questions of order. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

F. Agendas.

1. The City Manager must prepare an agenda for every meeting, including regular, special, and executive session meetings.
2. Agendas and informational material for meetings will generally be distributed to the Council at least seven (7) days preceding the meeting. However, in certain circumstances less time may be provided.
3. The agenda for a meeting does not require Council approval.

² Charter Section 33 authorizes the Council to fill temporary vacancies by majority vote of the “incumbent members.”

³ The term “incumbent members” in the Charter means the entire Council minus any permanently vacant seats (e.g., resignation, death, permanent incapacity). For instance, if the Mayor and Council President are absent, but 5 Councilors are present at the meeting, a Councilor must receive at least 4 votes to become the Presiding Officer because there are 7 “incumbent members” of the Council. However, if two seats on Council are permanently vacant seats, then in the same scenario above, the Councilor must receive 3 votes to be the Presiding Officer because there are 5 “incumbent members.” The term “incumbent members” does not mean a majority of those Councilors actually attending the meeting.

4. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
5. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer must announce such removal under announcements.
6. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.
7. As a principle matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for **emergency purposes and only with the unanimous consent of all members of Council present.**

G. Order of Business.

1. The order of business for all regular meetings will be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by a majority vote:⁴
 - a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;
 - b. **Announcements.** Brief announcements relating to the community, including upcoming events and proclamations;
 - c. **Citizen Comments.** Public comments received concerning matters not on the agenda for the meeting;
 - d. **Consent Agenda.** Routine items to be adopted by one motion of the Council;
 - e. **Special Reports.** Reports of City Boards and Commissions, proclamations, special presentations, or reports.
 - f. **Public Hearings (Legislative and Other).** Public hearings on legislative land use matters;
 - g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters.
 - h. **General Business.** Consideration of ordinances, resolutions, contracts, policy

⁴ Section 17 of the Charter provides the Mayor the authority to “determine the order of business under the rules of the Council.”

statements, and other items. General Business items may also include public hearings on those matters.

- i. **Items Removed from Consent Agenda.** Any item removed from the Consent Agenda will be discussed and voted on at this time;
- j. **Communications from Councilors.** Announcements and information provided by members of Council; and
- k. **Adjournment.** The conclusion of the meeting. Adjournment of the meeting is by majority vote of the members of Council present at the meeting.

H. Reports of Boards, Commissions, Committees, Elected Officials and City Employees.

1. When necessary, reports can be given to the Council by boards, commissions committees, elected officials and/or City employees.
2. **When appropriate**, reports to the Council should include written materials which are provided to the Council at least **seven (7)** days in advance of the meeting.
3. Oral reports to the Council should generally not exceed **five (5) minutes** in length.
4. The Council may ask questions of the presenter upon conclusion of the report being given.

I. Public Comment.

1. One (1) period for public comment will be reserved for every regular meeting of the Council.
2. Persons wishing to speak during public comment must sign the "Speaker Request Form" and provide the person's name and **place of residence**, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
5. Generally, speakers will be called upon in the **order in which they have signed** the "Speaker Request Form." Before providing any public comment, speakers must announce the person's name and **place of residence** to the Council. The Presiding Officer may allow additional persons to speak even if the speaker has not signed the "Speaker Request Form."

6. Members of Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council **will not respond to comments** made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing it on a future agenda. Any member of **Council may intervene** if the Mayor or a Councilor is violating the spirit of this guideline.
7. Speakers may play electronic audio or visual material during the time permitted for comment and may use available City-provided audio or visual equipment located in the Council chambers.

J. Consent Agenda.

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of Council by stating which item is to be removed and the reason for removal.
4. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of Council must declare a conflict of interest.
5. **Appointments to committees must not be** placed on the consent agenda.

K. Ordinances and Resolutions – See RULE 3

L. **Public Hearings Generally.**

1. A public hearing may be held on any matter upon majority vote of the Council. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak must sign the "Speaker Request Form" with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three **(3) minutes.**

6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. **Questions should not be used as an attempt to lengthen or expand the testimony of the individual.** Members of Council must use restraint and be considerate of the meeting time of the Council when exercising this option. **Any member of Council may intervene** if another member of Council is violating the spirit of this guideline.
7. Members of Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matter. The Presiding Officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer must announce any such restrictions prior to the commencement of the testimony.
9. At the end of public testimony and questions of staff, the Council must do one of the following:
 - a. Initiate deliberations by introducing a motion on the matter;
 - b. Continue the hearing; or
 - c. Keep the record open for additional written testimony.
10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
- 12.** Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1).

M. Conduct of Hearings on Land Use Matters – See RULE 4

RULE 2

Meeting Time, Location, and Frequency

A. Regular meetings. The Council **will hold** regular meetings at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday in December. If a second or fourth Monday falls on a City-recognized holiday, the meeting will be held on the following business day.

B. Special meetings. Special meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the special meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of special meetings.
2. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Special meetings must be noticed in accordance with Oregon's public meetings law, and, at a minimum, must be noticed at least 48 hours prior to the meeting taking place.

C. Emergency meetings. Emergency meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the emergency meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of emergency meetings.
2. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Emergency meetings are those meetings called with less than 48 hours' notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
4. The minutes for any emergency meeting must specifically identify why the meeting **constituted an emergency and was necessary.**

D. Executive Sessions. Executive sessions may be called by the Presiding Officer, by the request of three members of Council, by the City Manager, or by the City Attorney.

1. Executive Sessions may be called for any purpose authorized by ORS 192.660, including but not limited to the following reasons:
 - a. Consider employment of a public officer, employee, or agent pursuant to regularized procedures for hiring adopted by the public body in meetings open to the public in which there has been opportunity for public comment. (ORS 192.660(2)(a)).
 - b. Consider discipline of a public officer, employee, or agent. (ORS 192.660(2)(b)).

- c. Conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d)). Conduct deliberations with persons designated to negotiate real estate transactions (ORS 192.660(2)(e)).
 - d. Consider information or records exempt by law from public inspection. (ORS 192.660(2)(f)).
 - e. Consult with legal counsel concerning litigation or litigation likely to be filed. (ORS 192.660(2)(h)).
 - f. Review and evaluate the employment-related performance of the chief executive officer pursuant to standards, criteria, and policy directives adopted by the governing body. (ORS 192.660(2)(i)).
2. Only members of Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
 3. Representatives of recognized **news media** may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
 4. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.

E. Work Sessions. Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
4. Work sessions are to be scheduled by the City Manager.
5. The City Manager may invite any relevant **staff** to work sessions so that the sessions are as productive as possible.

F. Location of Meetings.

1. Council meetings are expected to be held at City Hall, but a majority of a quorum may decide to hold a Council meeting at an alternate site, consistent with these rules.
2. In the event City hall is not available for a meeting, the Council must meet at a venue open to the public and which is located within the jurisdictional limits of the City.
3. Training sessions may be held outside of the City's jurisdictional limits, provided no

deliberations toward a decision are made.

4. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
5. No Council meeting must be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

G. Notice of Meetings. The City Recorder, or designee, **must** provide notice of all meetings in accordance with Oregon's public meeting law and City codes.

H. Attendance at Meetings.

1. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.
2. Members of the Council **must advise** the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees.
3. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard. The preference of the Council is for all members of Council to attend in person.
4. A member of Council may not attend by telephone, or other electronic means where the person's voice may be heard, **more than two consecutive** meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, **must remain present for the entire meeting**, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
5. The City Manager must track each member of Council's attendance at regular, special, emergency, and work session meetings, and assigned committee meetings. The City Manager must present to the Council **a quarterly report** of each member of Council's attendance.

RULE 3

Ordinances and Resolutions

A. Ordinances. An ordinance is a law passed by the Council in its legislative capacity. All ordinances considered by and voted upon by the Council must adhere to the rules outlined herein.

1. **Numbering.** The City Recorder, or designee, must number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the ordinance was introduced.
2. **Preparation.**
 - a. The enacting clause of each ordinance must be “The City of Tualatin ordains as follows:”
 - b. All ordinances must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney’s designee.
 - c. No ordinance can relate to **more than one subject**, which must be clearly expressed in its title, and no ordinance, or section thereof, can be amended or repealed unless the **new ordinance** contains the title of the ordinance or section amended or repealed.
3. **Introduction.**
 - a. An ordinance is introduced for consideration by the Presiding Officer for presentation for first reading.
 - b. After introduction, the Council may direct by majority vote of the members present any of the following:
 1. A public hearing on the ordinance be held;
 2. Refer the ordinance to committee for review and recommendation;
 3. Refer the ordinance to the City Manager for further revision;
 4. Pass the ordinance to a second reading; or
 5. Reject the ordinance in whole or in part.
4. **Readings and Final Action.**⁵
 - a. Every ordinance of the Council must, before final passage, **be read fully** and distinctly in an open Council meeting on **two different days**.

⁵ This process is outlined in Charter Section 35.

- b. However, an ordinance may be enacted at a single meeting, if the Council approves the ordinance by the unanimous vote of all Council members present. In such cases, the ordinance **must be read first in full** and then by title.
- c. Any of the readings may be by title only, instead of a full reading, if:
 - 1. No Council member present at the meeting requests to have the ordinance read in full; or
 - 2. A copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder, or designee, not **later than five days** before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by: (i) written notice posted at the City Center; or (ii) advertisement in a newspaper of general circulation in the City.
- d. An ordinance enacted after being read by title alone has no legal effect if it differs substantially from its original terms, unless, prior to being approved by the Council, each substantial difference is read fully and distinctly at the meeting as finally amended.
- e. The City Recorder, or designee, **must take a "roll call" vote** of each Councilor upon the final vote on an ordinance and the **ayes and nays and abstentions of the members of Council must be recorded in the meeting** minutes.
- f. Upon the enactment of an ordinance, the City Recorder, or designee, must sign it with the date of its passage, the City Recorder, or designee's name and title of office, and **within three days thereafter the Mayor must sign with the Mayor's name**, and the title of office.

B. Resolutions. A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.

- 1. **Numbering.** The City Recorder, or designee, must number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the resolution was introduced.
- 2. **Preparation.**
 - a. The resolving clause of each resolution must be "Be it resolved by the City Council of the City of Tualatin that:"
 - b. All resolutions must, before presentation to the Council, **have been approved** by the City Attorney, or the City Attorney's designee.
- 3. **Introduction.**
 - a. Resolutions must be introduced by the Presiding Officer.

- b. After introduction of the resolution, the Council may direct that:
 1. A public hearing be held on the resolution;
 2. Pass the resolution; or
 3. Reject the resolution in whole or in part.

4. Readings and Final Action.

- a. Resolutions do not need to be read in full or by title at a Council meeting prior to adoption.
- b. An affirmative vote of a majority of the Council members present is necessary to pass a resolution.
- c. Resolutions may be placed on the Consent Agenda and may be considered as a group under the Consent Agenda.
- d. Resolutions may also be placed on the agenda as a General Business item.
- e. For resolutions placed on General Business, the City Recorder, or designee, must take a "roll call" vote of each Councilor upon the final vote on the resolution and the ayes and nays and abstentions of the members must recorded in the meeting minutes.

RULE 4 Land Use Hearings

A. General Conduct of Hearings.

1. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized Citizen Involvement Organization (CIO) present the party's case.
2. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, , **it must not be included in the record for the proceeding.**
3. Except as otherwise provided by these rules, no person **may speak more than once** without obtaining permission from the Presiding Officer.
4. Upon being recognized by the Presiding Officer, any member of Council, may question any person who testifies.
5. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
6. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition **to rise,** and the City Recorder, or designee, **must note the numbers of such** persons for the record in the minutes.

B. **Quasi-Judicial Land Use Matters.**

1. **Scope of Review.** All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
2. **Conflicts of Interest.**
 - a. A member of Council **must not participate** in a discussion or vote in a quasi-judicial land use proceeding if:
 1. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter; or
 2. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
3. **Ex Parte Contact.**
 - a. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Attorney before the meeting begins.

- b. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. See, ORS 227.180. If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

4. Burden of Proof.

- a. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- b. The decision of the Council must be based on the applicable standards and criteria set forth in the Tualatin Development Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- c. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

5. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

- a. Land Use Hearing Disclosure Statement. The Presiding Officer must read the land use hearing disclose statement, which must include:
 - 1. A list of the applicable criteria;
 - 2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - 3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 - 4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
- b. Call for ex parte contacts. The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
- c. Call for abstentions. The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest must or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must

not participate in any discussion or debate on the issue of which the conflict arises.

- d. **Staff summary.** Planning staff will present a summary and recommendation concerning the proposal.
- e. **Presentation of the Case.** The presentation of the case will be as follows:
 - 1. **Proponent's case.**
 - 2. **Persons in favor.**
 - 3. **Persons opposed.**
 - 4. **Other interested persons.**
 - 5. **Rebuttal.** Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- f. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of additional factual evidence, all parties must be afforded an opportunity for rebuttal.
- g. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

6. Findings and Order. The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.

7. Continuances. Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

C. Legislative Land Use Matters.

1. Hearings Procedures. The order of procedures for hearings on legislative land use matters must be:

- a. **Call for abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
- c. **Staff summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.

- d. **Presentation of the Case.** The presentation of the case will be as follows:
1. Proponent's case.
 2. Persons in favor.
 3. Persons opposed.
 4. Other interested persons.
- e. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
- f. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- g. **Reopening hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

RULE 5

Motions, Debate, Public Comment, and Voting

A. Motions. The following rules apply to motions:

1. All motions must be distinctly worded.
2. The **Presiding Officer must repeat the motion prior to a vote.**
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. If a motion does not receive a second, it dies.
5. A motion that receives a tie vote fails.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone;
 - d. To refer; or
 - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

B. Motion to Reconsider.

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

2. A motion to reconsider can be made only once and must be **made before the final adjournment of the meeting** when the item goes out of possession of the Council.

C. Debate. The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution **will have the privilege of closing the debate.**

D. Public Comment.

1. The public is entitled to comment on all matters before the Council that require a vote.
2. Public comment will occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
3. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
4. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be **referred to City staff for a response to be provided a later time.**
5. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
6. All remarks must be addressed to the Council as a whole. Any person creating an actual disturbance, which includes, but is not limited to making personal, impertinent, or slanderous remarks, becoming boisterous, threatening, or personally abusive while addressing the Council, **or any applause, boos, or other public demonstrations by those attending the Council, may be requested to leave the meeting.**

E. Voting. The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 4 of these Rules.

F. Reports. A majority of a quorum is required to approve or accept a report. However, no vote is required if the report is only for **informational purposes.**

G. Consent Agenda. The **unanimous vote** of all members of Council present is required to approve the matters on a consent agenda.

H. Ordinances. An ordinance requires a majority of a quorum to pass.

I. Emergency Ordinances. An emergency ordinance requires the unanimous vote of all Council members present.

J. Resolutions. A majority of a quorum is required to pass a resolution.

K. Budget. The budget requires a majority of a quorum to pass.

L. Franchise Agreements. A majority of a quorum is required to pass an ordinance granting a franchise.

M. Suspension of Rules. A unanimous vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the Charter may not be suspended or rescinded.

N. Votes. All votes must be recorded in the minutes.

O. Tie Votes. Tie votes indicate a denial of the motion or proposal.

P. Effective Date.

1. Ordinances take effect 30 days from the date of passage, unless a later date is indicated in the ordinance, in which case it takes effect on that date. However, the following ordinances take effect immediately upon passage:
 - a. Ordinances making appropriations and the annual tax levy;
 - b. Ordinances relative to local improvements and assessments; and
 - c. Emergency ordinances.
2. A resolution becomes effective upon adoption unless otherwise stated in the resolution.
3. The filing of a referendum petition suspends the effective date of an ordinance.

RULE 6

Minutes

A. Generally.

1. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder, or designee, in accordance with the appropriate record retention schedule.
2. The minutes must contain the following information:
 - a. The date, time and place of the meeting;
 - b. The members of the Council present;
 - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - d. The results of all votes and the vote of each member by name;
 - e. The substance of any discussion on any matter; and
 - f. A reference to any document discussed at the meeting.

B. Approval. The Council must approve all minutes of any meeting.

1. All minutes must be approved within **ninety days** of the meeting having occurred.
2. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
3. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

RULE 7 Appointments

A. Appointments of City Staff. The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the entire Council.

B. City Manager/Recorder. The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.

1. **Reviews.** The City Manager is subject to a review by the Council to be conducted in even numbered years before the last Council meeting in December.
2. **Removals.** The City Manager may be removed by a majority vote of the entire Council.

C. Municipal Judge. The Council appoints and may remove the Municipal Judge, including pro tem judges.

1. **Reviews.** Any judge appointed by the Council is subject to an annual review by the Council.
2. **Removals.** All appointed judges may be removed by a majority vote of the entire Council.
3. **Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance may the Council interfere with the judge's exercise of judicial authority or discretion.

D. Council Subcommittees. Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.
2. Council subcommittees may be standing committees or other committees created under the rules of the Council.
3. The following are current Council subcommittees that have been previously created or are created by these rules. These may be dissolved by majority vote of the members of Council present at a meeting:
 - a. Council Committee on Advisory Appointments. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees.
 - b. Governance Committee. The purpose of the Governance Subcommittee is review the Council Rules and recommend amendments and changes to the full Council, conduct performance reviews of the City Manager and Municipal Judge, investigate rules violations and disciplinary matters of members of Council, and recommend disciplinary sanctions of members of Council to the full Council. A member of Council can refer a rules violation or other claim of violation by any other member of Council to the Governance Committee.

E. Appointments of Citizen Members to Boards, Commissions and/or Committees.

1. **Council Committee on Advisory Appointments.** The Council Committee on Advisory Appointments (CCAA) is a standing subcommittee of the Council. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees through the following general process:
 - a. The CCAA will conduct interviews of all candidates for appointment, including candidates wishing to renew their appointments.
 - b. After reviewing the candidates, the CCAA will vote on all recommendations and forward those recommendations to the full Council for consideration.
 - c. Upon receiving the recommendation from the CCAA, the Council **will place the names for consideration on the regular meeting agenda as a General Business item.**
 - d. The Council may consider the candidates submitted as a group or may consider each candidate individually.
 - e. The Council may accept, reject, or appoint any candidate, including those not considered by the CCAA.
 - f. All appointments must be by majority vote of the members of Council present.

RULE 8

Ethics, Decorum, Outside Statements, and Social Media

A. Ethics.

1. All members of Council must review and observe the requirements of state ethics laws.
2. In addition to complying with state ethics law, all members of Council must refrain from:
 - a. Disclosing confidential information.
 - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
 - c. Expressing an opinion contrary to the official position of the Council without so saying.
 - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.
 - e. Not profiting from their position on Council in violation of state law.
3. All ethics complaints received about a Councilor will be forwarded to the Oregon Government Ethics Commission (OGEC).

B. Decorum.

1. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
2. Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
3. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.
4. All audience members must abide by the rules of decorum contained in these Rules. No audience member may cause an actual disturbance, which includes, but is not limited to, disrupting the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who creates an actual disturbance will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting.

C. Statements to the Media and Other Organizations

1. Representing City. If a member of Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.

2. Personal Opinions. If a member of Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor, before giving their statement.

D. Use of Social Media.

1. Members of Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
2. Under ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.
3. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.
4. The digital decorum of elected and appointed officials will be governed by Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Rule 8 (C)(Statements to the Media and Other Organizations) above in all social medial activities.
5. City Council members will refrain from posting comments that:
 - a. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
 - b. **Express an opinion in a manner contrary to Rule 8** (C) (Statements to the Media and Other Organizations) above.

RULE 9

Interactions with City Staff

A. City Staff. All members of Council must respect the separation between the Council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
3. Limiting individual inquiries and requests for information from staff to those questions that may be **answered readily as part of staff's day-to-day responsibilities**. Questions of a more complex nature must be directed to the City Manager. Questions sent to staff must be copied to the City Manager.
4. Members of the Council **must normally share** any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of Council acting in their **individual capacities rather than as members of Council**, nor to questions regarding conflict of interest or similar issues particular to a member of Council.

B. City Attorney. Members of the Council may contact the City Attorney directly without contacting the City Manager in the following circumstances:

1. When the issue involves allegations of misconduct by the City Manager;
2. To discuss parliamentary procedures of these Rules; or
3. To discuss **substantive legal issues involving pending City business if the legal issue does not require more than 2 hours of the City Attorney's time.**

RULE 10

Enforcement and Consequences

A. Enforcement. The Council may enforce these rules and ensure compliance with City ordinances, charter, and state laws applicable to governing bodies. If a member of Council violates these rules, City ordinances, the City charter, or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.⁶

B. Investigations and Hearings.

1. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City charter, or state laws applicable to governing bodies has occurred.
2. Before the Council may publicly reprimand or remove a member of Council, the Council must to the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).

⁶ Other than for the reasons stated in Charter Section 32, an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

RULE 11

Amendment and Repeal of Council Rules

A. Amendment. These Rules are subject to amendment by the Council.

1. Any proposed amendment to these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
2. All amendments to these rules require approval by a majority of Council.
3. Amended rules do not go into effect until the meeting after the rule was approved.

B. Repeal. These Rules are subject to repeal and replacement by the Council.

1. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
2. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
3. Any repeal and replacement of these rules requires approval by a majority of Council.
4. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

RULE 12

Finances and Travel Policy

A. Financial Statements. Pursuant to ORS 244.050, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15 of each year. For more information, see the Oregon Government Ethics Commission (OGEC) website on how to file.

B. Health Insurance. Pursuant to Resolution No. 3837-01, members of Council are entitled to receive the following health insurance benefits:

1. The Mayor may receive City health insurance benefits at the family level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers.
2. Councilors may each receive City health insurance benefits at the single employee level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers. Councilors may obtain family level coverage by paying the difference in the cost of the family policy and the single employee policy.
3. The health insurance benefits provided are subject to the rules for enrollment and contractual conditions of the health insurance provider.

C. Technology Stipend. Pursuant to Resolution No. 5128-13, each member of Council is entitled to a technology stipend of \$750.00 to be received at the beginning of their terms of office.

D. Water Bill. Pursuant to Resolution No. 3216-96, each member of Council receives a \$20.00 monthly credit on their water bill.

E. Travel Policy.

1. **Adoption of Reimbursement Rates.** The recent rates established by the U.S. General Services Administration (GSA) are the maximum allowed by destination for reimbursement of per diem rates for meals and lodging, and the maximum allowed for privately owned vehicles for mileage reimbursement. The website to obtain the current per diem rates is www.gsa.gov/perdiem.
2. **Registration Fees for Conferences and Trainings.** Members of Council are encouraged to take advantage of early registration to obtain discounted rates.
3. **Transportation.**
 - a. **Airfare.** The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/ departure times. If the member of Council makes first-class or business- class travel reservations, the member of Council must pay the difference between those rates and the coach rate.
 - b. **Vehicle Rental.** Vehicle rental is a reimbursable expense at the compact rate.
 - c. **Ground Transportation.** Ground transportation (e.g., taxis, buses, mass transit, and shuttles) is a reimbursable expense.

- d. **Individual Vehicles.** Members of Council will be reimbursed for City-related travel in their individual vehicles for the actual miles traveled at the GSA rate.

4. **Parking.**

- a. Parking fees are reimbursable for business purposes or attending training.
- b. Long-term economy parking at airports is expected to be used for **airport travel of more than one day in duration.**

5. **Lodging.**

- a. Reimbursement for lodging is authorized when the member of Council's business-related travel requires an overnight accommodation.
- b. Reimbursement will be at the cost of a single standard room at the per diem rate established by the GSA, **or at the conference/training rate.**
- c. The final itemized lodging bill is required when submitting for reimbursement of the expenditure.
- d. Any additional room charges room service, movies, **personal phone calls**, laundry service, etc. are the responsibility of the member of Council. If cell phone coverage is unavailable, business calls will be reimbursed. If **in-room internet is necessary to conduct City business**, the expense is reimbursable.

6. **Meals.**

- a. The City will pay the GSA **per diem rate for meals.**
- b. Members of Council have the choice of an advance or a reimbursement for the total authorized per diem amount.
- c. When meals are provided as part of the conference or training, no reimbursement will be given for that meal. **Conference "continental" is not considered a meal.**
- d. For a single day trip:
 - 1. Breakfast – Reimbursed when travel begins before 10:00 a.m. and the one-way trip is at least 75 miles.
 - 2. **Lunch** – Reimbursed when travel begins before 11:00 a.m., lunch is not provided in the training/ conference cost, **and the one-way trip is at least 75 miles.**
 - 3. Dinner – Reimbursed when travel ends after 4:00 pm and the one-way trip is at least 75 miles.
- e. For trips involving an overnight stay, meals will be reimbursed based on the time of departure:

1. Breakfast – Reimbursed when travel begins before 10:00 a.m.
 2. Lunch – Reimbursed when travel occurs between 11:00 a.m. and 2:00 p.m.
 3. Dinner – Reimbursed when travel occurs after 4:00 p.m.
- f. A member of Council may meet with and purchase a meal for others, including persons of other government jurisdictions and professional institutions from which an exchange of information is obtained that may aid the City in improving its efficiency, service, or governance.

F. Travel Advances and Reimbursements.

- a. Members of Council may choose to be reimbursed for expenses or receive an advance.
- b. For travel and training cash/check advances, members of Council should submit a check request to the City Manager at least two-weeks in advance of the expected travel or training date, when possible.
- c. If a member of Council chooses to be reimbursed instead of an advance, the member of Council must submit the following:
 - i. A receipt is provided; or
 - ii. The expense report states the amount spent, who was present, and the specific topic or project of discussion.
- d. Personal items and expenses of family members traveling with the member of Council are not authorized expenses.

A. Council Report Required for Expenses over \$250.00.

1. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$250.00, but less than \$1,500.00, is required to give an oral or written documentation for the expenditure to the Council. The written documentation may be placed on the consent agenda for consideration by the Council.
2. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$1,500.00 must provide an oral or written report to the Council. The report cannot be placed on the consent agenda, but must be placed separately on the agenda for consideration by the Council.

Charter Citations

Mayor appoints Recorder, Judge, and other officers as council deems, with consent of council

Council may assign any officer to supervise other officers except Municipal Judge in the exercise of judicial functions

Compensation of officers and employees shall be fixed by City Council

To be eligible for election a person must be a qualified elector and reside in City for 12 months at time of election and remain a resident during term of office

Council shall hold regular meetings at least monthly

It shall adopt rules for the government of its members and proceedings

The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council. Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance.

The Council shall cause a journal of its proceedings to be kept. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

The Mayor shall be chair of the Council and preside over its deliberations. The Mayor shall have a vote on all questions before the Council and authority to preserve the order, enforce the rules of the Council, and determine the order of business under the rules of the Council

Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.

An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to official duties or unlawful destruction of public records; resignation; recall from office; or ceasing to possess qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefore within 10 days after the term of office is to commence; or in the case of the mayor or councilor, upon absence from the City for 30 days without the consent of the Council or upon absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy

Vacancies in elective offices in the city shall be filled by appointment by a majority of the incumbent members of the Council. The appointee's term shall begin immediately upon appointment and shall continue until the beginning of the year following the next general biennial election and the successor for the unexpired term shall be chosen at the next general biennial election after said appointment. During the temporary disability of any officer or during the absence temporarily from the City for any cause, the office may be filled pro tem in any manner provided for filling vacancies in office permanently.

(a) Except as this section provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(b) Except as this section provides the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members present, upon being read first in full and then by title.

(c) Any of the readings may be by title only,

(1) if no Council member present at the meeting requests to have the ordinance read in full; or

(2) if a copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by

- (i) written notice posted at the City Center; or
- (ii) advertisement in a newspaper of general circulation in the City

An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately

City Manager is required to attend all meetings of the Council unless excused therefrom by the Council or the Mayor,

At Issue

Rule 1

A1 Roberts Rules

See Rewritten section below

F7 for emergency purposes and only with the unanimous consent of all members of Council present.

D3(b) If both the Mayor and the President of the Council are absent from the meeting consisting of a quorum of the council, a councilor may call the meeting to order at the appointed time and a majority of those present may elect a mayor pro tem for that meeting. If the mayor or council president joins the meeting, they shall then conduct the meeting.

Gi Items Removed from Consent Agenda. Any item removed from the Consent Agenda will be discussed and voted on at this time;

I5 Appointments to committees must not be placed on the consent agenda.

L,M Substitute with the language read for quasi-judicial hearings

Rule 2

H2 Members of the Council must advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees.

H4 A member of Council may not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, must remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.

H5 The City Manager must track each member of Council's attendance at regular, special, emergency, and work session meetings, and assigned committee meetings. The City Manager must present to the Council a quarterly report of each member of Council's attendance

Rule 3

A2c one subject for ordinance

A4 covered by Charter

B2b Resolutions approved by City Attorney

B4e Roll call vote.

Rule 4

A2 is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding

A3 no person may speak more than once without obtaining permission from the Presiding Officer.

A6 Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must note the numbers of such persons for the record in the minutes

B5c

Any member of Council announcing a conflict of interest must or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises

Rule 5

C3 The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate

DG The unanimous vote of all members of Council present is required to approve the matters on a consent agenda

DI An emergency ordinance requires the unanimous vote of all Council members present

DM M. Suspension of Rules. A unanimous vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure

Rule 7

B violate Charter. Manager appointed by Mayor with consent of Council

B1 The City Manager is subject to a review by the Council to be conducted in even numbered years before the last Council meeting in December.

C Same as B

C1 Annual Review of Judges

D3b No Governance Committee

Rule 8

C2. Councilors may state their personal opinion in their official office and must declare as such

D5b See C2

Rule 9

A3 Councilors should not contact city staff unless direct to do so by the City Manager

A4 Councilors need to share with council information germane to pertinent issues coming to council

B2, 3 See A3

Rule 10

A What city ordinances?

Rule 11

Rule 12

B1,2 No Stipend in lieu of insurance

C only one Technology Stipend for multiple terms

E1 GSA Per Diem may be inadequate

E5d,e delete

Not Addressed

Placing a Work Session Agenda Item

Placing Resolutions on the Agenda

Rewritten

Rule 1

1A Council meetings should be orderly and conversations should be respectful, thoughtful, and courteous. Discussion of action items should begin with a motion and a second of the motion. Without a second the motion dies and discussion does not begin. When recognized by the chair, discussion should be to the motion and directed to the chair, to avoid person to person debate. When the discussion is completed, the chair should ask for a vote on the motion. A majority of the council quorum present is required for the motion to pass. Any councilor may offer an amendment to the motion before the vote. If the maker of the motion and the second agree, a vote on the amendment is not required. When an amendment is approved, it will be voted upon prior to the motion on the action item.

L,M Substitute with the language read for quasi-judicial hearings

Deleted

EXHIBIT A

CITY OF HAPPY VALLEY CITY COUNCIL RULES

A. AUTHORITY

City Charter Section 10 requires the Council to by resolution adopt rules to govern its meetings. The Council will review its rules at its first meeting in January of even numbered years. Amendments will be made as necessary. The Council will have clear and simple procedures for considering agenda matters.

B. DEFINITIONS As used in these Rules, the following mean:

1. City Committees: All City committees, commissions, task forces, and advisory bodies.
2. Council and Council members: The Mayor, the Council President, and the Councilors.
3. Councilors: The Council President and the Councilors.
4. Mayor: The Mayor or in the absence of the Mayor the Council President or other Presiding Officer.

C. COUNCIL MEETINGS

1. Regular Meetings to conduct Council business will be held as needed.
2. Work Sessions to develop city policy will be held each month. Work sessions may be held in conjunction with Council business meetings. Work session agendas will be developed by the City Manager in consultation with the City Council.
3. Special Meetings may be called by the Mayor, Council President in the absence of the Mayor or by a majority of the Council.
4. Executive Sessions will be held in compliance with the Oregon Public Meetings law.
5. Minutes will be taken as provided by the Oregon Public Records law.
6. Telephonic/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Council members may participate and vote in Council

meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings Law.

7. Attendance at meetings is expected of Council members who should use their best efforts to attend all Council meetings.

D. AGENDA

1. The agenda headings for Council business meetings are generally as follows:
 - a. CALL TO ORDER
 - b. PLEDGE OF ALLEGIANCE
 - c. ROLL CALL
 - d. APPEARANCE OF INTERESTED CITIZENS
 - e. PRESENTATIONS & REPORTS
 - f. CONSENT AGENDA
 - g. PUBLIC HEARINGS
 - h. CITY MANAGER REPORT
 - i. COUNCIL CONCERNS & COMMENTS
 - j. ADJOURNMENT
2. The City Manager will prepare and schedule agenda items. Council members may request that items be placed on an agenda. Council members may make agenda suggestions at any Council meeting or by communication with the City Manager. Council members will make best efforts to reach consensus on agenda items and should obtain staff input before requesting an agenda item. Agendas will generally be set to allow meetings to end no later than 10:00 p.m. If the Council is still in session at 9:30 p.m., then the Council will decide whether to continue with the agenda or move items to a future agenda.

E. COUNCIL DISCUSSIONS AND DECORUM

1. Council members will conduct themselves so as to bring credit upon the city government, ensuring non-discriminatory delivery of public services, keeping informed about matters coming before the Council and abiding by Council decisions, whether or not the member voted on the prevailing side.
2. Councilors will assist the Mayor to preserve order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey ruling of the Mayor or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues under discussion and not engage in personal attacks, or impugn the motives of any speaker.

3. The following ground rules will be observed to maintain order and decorum during Council discussions:
 - a. Council members will gather necessary information and ask questions of city staff before meetings.
 - b. Council members will have an opportunity to speak once on any pending motion or agenda item, and will speak for themselves and not for other Council members.
 - c. Council members will not speak on behalf of the Council, unless they have been authorized by the Council to do so.
 - d. During public meetings, Council members will not attempt to edit or revise prepared ordinances. Amendments to proposed ordinances may be appropriate, but input from the City Manager or the City Attorney will be sought to accomplish the Council members' objectives.
 - e. Council members will be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on a single issue or topic at any one time.
 - f. Council members will focus on city issues and avoid becoming involved in "extra-territorial" issues.
 - g. The Mayor will recognize Councilors wishing to speak in the order of their requests. The Mayor will provide a Council member with an opportunity to speak before recognizing another Council member. Council members will not interrupt another Council member who has the floor.
 - h. Council members will not disguise statements as questions or use repetitions as a way to convince others.
 - i. Council members will keep discussions moving and call for a "process check" if the Council becomes bogged down in discussions.
 - j. Council members will set and adhere to time limits on discussions.
 - k. Council members will refrain from criticizing or attacking each other, city staff or other persons.
 - l. If a Council member wishes to discuss a major policy issue, it will be scheduled on a future agenda and not raised during a current agenda.

4. Public Comment.
 - a. Citizen and community group sign-up forms will be available at each regular business meeting. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the Mayor and then state their name and address for the record. The Council may set time limits for comments. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
 - b. During public hearings, all public comment must relate to the matter under discussion and addressed to the Mayor.
 - c. In general, Council members will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing on a future agenda.

F. COUNCIL MEETING DECORUM

1. The following conduct is disruptive and cause for removal of any person from a council meeting:
 - a. Loud or abusive language, noise or conduct that obstructs the conduct of the council meeting,
 - b. Violent or distracting actions,
 - c. Damage to personal or city property, or
 - d. Refusal to obey an instruction from the mayor or presiding officer or decision of the council.
2. The mayor or presiding officer must warn a person to cease the disruptive conduct before ordering removal of the person from the council meeting.
3. If a council meeting is disrupted by members of the audience, the mayor or presiding officer may order the council chambers cleared.
4. The mayor or presiding officer has the authority to preserve order at all council meetings, remove any person from any meeting for disorderly conduct, and enforce the council rules. The mayor or presiding officer may command the assistance of a police officer to restore order at any meeting.

5. After a motion has been made or after a public hearing has been closed, no public member may address the council without the permission of the council.

G. MOTIONS

1. General.
 - a. Council member motions will be clearly and concisely stated. The Mayor will state the name of the Councilor who made the motion and the Councilor who made the second.
 - b. The motion maker, Mayor, or City Recorder should repeat the motion prior to voting.
 - c. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.
 - d. Discussion of a motion is open to all Council members who wish to address the motion. A Councilor must be recognized by the Mayor before speaking.
 - e. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified for some reason. A Council member who does not vote must state the basis for any conflict of interest or other disqualification. The City Recorder will maintain a record of the votes. Any Council member may request a roll call vote on any motion.
 - f. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes should do so briefly and succinctly.
2. Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.
3. Tie. A motion that receives a tie vote fails.
4. Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by adding it to a future agenda for continued discussion.

5. Postpone. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.
6. Call for Question. A motion to call for the question ends debate on the item and is not debatable. Before a Council member calls for the question, each Council member wishing to speak on the item should have one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Council member objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds' vote. Debate may continue if the motion fails.
7. Amendment. A motion to amend may be made to a previous motion that has been seconded but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table, and reconsider may not be amended.
8. Reconsideration. When a motion has been decided, any Council member who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at the meeting at which the motion on the ordinance, resolution, order or other decision was approved.

H. COUNCIL MEMBER CONDUCT

1. Representing City. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state:
 - a. Whether the statement reflects personal opinion or is the official position of the City; and
 - b. Whether the statement is supported by a majority of the Council.

If the Council member is representing the city, the Council member must support and advocate for the official city position on the issue rather than a personal viewpoint.

2. Censure.
 - a. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand.
 - b. The Council may investigate the actions of any Council member and meet in executive session to discuss any finding that reasonable grounds exist that a

substantial violation has occurred. Under ORS 192.660(1)(b), the Council member under investigation may request an open hearing.

I COUNCIL MEMBER USE OF SOCIAL MEDIA

1. On social media platforms, council members are encouraged to exercise caution when commenting on municipal affairs. While using social media, City Council members are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
 - a. According to ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid such situations.
 - b. A public record created through a Council member's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City, or seek other assistance from the City for retention if the individual Councilor does not wish to do so himself or herself.
 - c. The digital decorum of elected and appointed officials will be governed by City Council Rules. Consistent with these rules, Council members will conduct themselves so as to bring credit upon the City government, ensuring non-discriminatory delivery of public services. Councilors shall abide by section S(3) in all social medial activities.
2. City Council members will refrain from posting comments that:
 - a. Express a council or committee position prior to a Council or committee determination of a position or on a matter that would otherwise require council or committee authorization prior to the conveyance of a position, or;
 - b. Express an opinion in a manner contrary to section S(3) of these rules.

J. CONFIDENTIALITY

1. Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is

not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Manager or City Attorney.

2. If the Council meets in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council members may not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
3. All public statements, information or press releases relating to a confidential matter will be handled by designated staff or a designated Council member.
4. Unless required by law, no Council member may make public the discussions or information obtained in executive session. Council may censure a member who discloses a confidential matter or otherwise violates these rules.

K. COMMUNICATION WITH STAFF

1. Council will respect the separation between policy making (Council function) and administration (City Manager function) by:
 - a. Working with the staff as a team with a spirit of mutual respect and support.
 - b. Except in a Council meeting, not attempting to influence a city employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of city licenses and permits. However, the sharing of ideas on these matters is appropriate.
 - c. Limiting individual contacts with city staff to the City Manager so as not to influence staff decisions or recommendations, interfere with their work performance, undermine the City Manager authority or prevent the full Council from having benefit of any information received.
 - d. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.
2. All written informational material requested by Council members will be submitted by staff to the entire Council with a notation stating who requested the information.
3. The Mayor will refer any comments or questions regarding city personnel or administration to the City Manager. The Mayor may redirect other questions to a Council member or the City Manager, as appropriate. Council members may also address questions directly to the City Manager, who may either answer the inquiry or ask a staff member to do so.

L. MINUTES

1. Minutes will be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council will comply with provisions of ORS 192.650 by containing the following information at a minimum:
 - a. The name of Council members and staff present;
 - b. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
 - c. The result of all votes, including ayes and nays and the names of the Council members who voted.
 - d. The substance of the discussion on any matter.
 - e. Reference to any document discussed at the meeting.
2. The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, Council members should read and submit any changes, additions or corrections to the City Recorder so that a corrected copy may be issued prior to the meeting for approval. Under no circumstances may the minutes be changed following approval by the Council, unless the Council authorizes such change.
3. The City Recorder or designee will make an audio recording of all meetings except for executive sessions. The City Recorder will maintain custody of all tapes, but a Council member may obtain a copy of any tape. A Council member may obtain a meeting transcript or partial transcript if it can be produced with nominal staff time. If a transcript would require a significant amount of staff time, the City Recorder may only produce the transcript with Council approval. The City Recorder is authorized to produce transcripts as required by law.

M. ADJOURNMENT

1. Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day. No adjournment may be for a period longer than until the next regular meeting.
2. Upon the request of a Council member a short recess may be taken during a Council meeting.
3. A motion to adjourn will be in order at any time except as follows:
 - a. When made as an interruption of a member while speaking; or
 - b. While a vote is being taken.

N. BIAS AND DISQUALIFICATION

1. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by Council may challenge the qualification of any Council member to participate in such hearing and decision. Any challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member should not participate and may not make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Mayor will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.
2. In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning Commission meeting. The Council member must state whether the member can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, the member has a duty not to participate in proceedings and leave the Council table.
3. If the Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.
4. Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

O. EX PARTE CONTACTS AND DISQUALIFICATION

1. For quasi-judicial hearings, Council members should refrain from having *ex parte* contacts relating to any issue of the hearing. *Ex parte* contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. *Ex parte* contacts may be either oral statements when other interested

parties are not present, or written information that other interested parties do not receive.

2. If a Council member has *ex parte* contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Council member must describe the substance of the contact and the Mayor will announce the right of interested persons to rebut the substance of the communication. The Council member also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether the member will participate or abstain.
3. For quasi-judicial hearings, a Council member who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Council member reviews all the evidence and testimony received.

P. GOVERNMENT STANDARDS AND PRACTICES COMMISSION REQUIREMENTS AND REPORTING

1. Council members must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
2. Council members must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Council members will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
3. In accordance with ORS 244.195, it is each Council member's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission

Q. LEGAL ADVICE

Requests to the City Attorney for advice requiring legal research may not be made by a Council member without the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council members are encouraged to consider consulting with the City Manager to determine if the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Council member should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique/sensitive personal, yet City business-related, requests.

R. ROBERT'S RULES

Robert's Rules of Order Revised will be used as the guideline for conduct of Council meetings, except where these Rules specifically apply.

S. COMMISSIONS, COMMITTEES, ORGANIZATIONS & MEDIA

1. Citizen Appointment and Removal.
 - a. The Mayor will appoint the City commissions and committees, with the consent of the Council. The Mayor may request assistance from Councilors in making recommendations.
 - b. Council members will encourage broad participation on City commissions and committees by generally limiting the number of terms a citizen may serve.
 - c. A citizen may not serve on more than two City commissions and committees simultaneously. Any citizen serving on two City commissions and committees may not be chairperson of both simultaneously. This limitation does not apply to service on the city budget committee.
 - d. With the consent of the Council, the Mayor may remove a citizen from a City committee prior to the expiration of the term of office.
2. Council Member Participation. Council members shall encourage City committee member participation.
3. Organizations, Media.
 - a. If the Mayor or a Council member represents the City before another governmental agency, a community organization, or the media, the Council member should first state the Council majority position. Personal opinions and comments should be expressed only if the Council member makes clear that it does not express the Council position.
 - b. Council members should obtain the appropriate permission before representing another Council member's view or position with the media.

T. MANAGER EVALUATION

1. Criteria. The standards, criteria, and policy directives used in the evaluation of the Manager will be adopted at a regular Council meeting in accordance with state law.
2. Process.
 - a. The Manager will prepare a written assessment identifying major accomplishments.
 - b. Council members may make written comments in response to the Manager assessment.

- c. Evaluation sessions will be scheduled in accordance with the employee's decision on whether to hold the evaluation in open or executive session.
 - d. At evaluation sessions, Council summary comments and individual Council member comments will be made. The Manager will have an opportunity to respond to all comments. The effect of the evaluation on the Manager's employment contract will be discussed. Sufficient time will be allotted for the evaluation discussion with the Manager.
 - e. Council members will then complete their individual evaluations and convene to discuss overall evaluation of the Manager and reach a consensus.
 - f. Council will then reconvene with the Manager to review final performance evaluation and discuss compensation.
3. Contract. The City Attorney will prepare any employment contract amendments to the Manager's contract. Contracts normally will be approved as a consent agenda item at the next regular Council meeting.

U. COUNCIL EXPENSES

1. Reimbursement. Council will follow the same rules and procedures for reimbursement as city employees.
2. Budget. Council will review and discuss its proposed annual budget as coordinated by the Mayor and Council President and as presented by city staff during a public meeting.

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 17-01**

A RESOLUTION AMENDING THE COUNCIL GROUNDRULES AND SUPERSEDING RESOLUTION NO. 15-02.

WHEREAS, the Council Groundrules were reviewed and updated on January 13, 2015, with the adoption of Resolution 15-02; and

WHEREAS, newly elected officials and mid-term elected officials reviewed the groundrules during a special council meeting held November 29, 2016; and

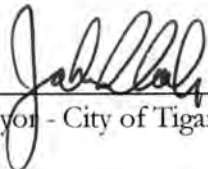
WHEREAS, the City Council determined at the November 29, 2016 meeting that updating of the groundrules was desired.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Council Groundrules as outlined in Exhibit A represent the agreement of the Mayor and City Councilors and is hereby adopted.


SECTION : This resolution is effective immediately upon passage.

PASSED: This 3rd day of January 2017.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

Tigard City Council Groundrules

The Tigard City Council hereby adopts the following rules for government of its members and proceedings. (Tigard City Charter, Chapter IV, Section 13). These rules will be reviewed and signed off on by each councilor annually.

1. **Mandates** are not discretionary. Any council or councilor who fails to abide by these is at risk of serious trouble and/or dysfunction.
2. **Processes and Procedures** are the rules the council sets to manage its own business.
3. **Mutual Expectations** reflect agreements and understandings among councilors to behave in certain ways. Once agreements are made, councilors who do not abide by them are likely to be mistrusted by their colleagues.
4. **General Guidelines for Effective, Respectful Councils** are basic rules of courtesy and respect that should guide any Council...or any other group for that matter.

1. Mandates

- In no case should councilors direct the work of staff. Take issues to the city manager first, giving as much information as possible to ensure a thorough response.
- Council members will not contact a board member to lobby on behalf of an individual, business or developer. Council members may contact the board member in order to clarify a position taken by the board. Council members may respond to inquiries from board members. Communications should be for information only.
- Board members do not report to individual council members. Individual councilors have no authority to remove board members.
- Be aware of the public nature of written notes, calendars, voicemail messages, and e-mail. All written or recorded materials including notes, voicemail, text messages and e-mail created as part of one's official capacity will be treated as potentially "public" communication.
- Respect the professional duties of city staff. Council members should refrain from disrupting staff from the conduct of their jobs; participating in administrative functions including directing staff assignments; attending staff meetings unless requested by staff; and impairing the ability of staff to implement policy decisions.
- ORS 244.025 prohibits any public official to solicit or receive any gift of \$50 or more from anyone reasonably known to have a legislative or administrative interest.
- ORS Chapter 244 governs conflicts of interest among Councilors and requires disclosure of all potential or actual conflicts of interest prior to that Councilor's participation in the matter. Councilors with actual conflicts of interest shall not participate in the decision except when allowed by law. Councilors with concerns or questions regarding conflicts of interest are encouraged to contact the Oregon Government Ethics Commission or city attorney.
- Protect confidential information concerning litigation, personnel, property, or other affairs of the city.
- Use public resources, such as staff time, equipment, supplies or facilities, only for city-related business.

- A council member may be censured by the other council members for misconduct, nonperformance of duty or failure to obey the laws of the federal, state, or local government.

2. Processes and Procedures

Ending Time for Council Meetings

- The chair or other members if the chair fails to remember may call for a point of order at or around 9 p.m. to review remaining agenda items. The council may reset or reschedule items, which it feels may not be reached prior to the regular time of adjournment.
- The council's goal is to adjourn prior to 9:30 p.m. unless extended by majority consent of council members present. If not continued by majority consent, the meeting shall be adjourned to the next scheduled meeting or the meeting shall be continued to another regular or special meeting at another date and time.

"Citizen Communication"

- The "Citizen Communication" portion of the agenda is a regular feature on the council business meetings. To manage the agendas to allow council time to consider the remaining agenda items scheduled for the business meeting, this agenda item will be allotted a maximum of 20 minutes. This item will be placed near the beginning of the council agenda to give citizens a chance to introduce a topic to the City Council. The mayor or the council president (if the mayor is absent) may ask speakers to keep their remarks to about two to five minutes. If a large number of speakers have signed up, the mayor might ask speakers to keep their comments closer to two minutes.
- At the conclusion of the Citizen Communication period, the mayor, a council member or staff member will comment what, if any, follow-up action will be taken to respond to each issue. At the beginning of Citizen Communication at the next business meeting, staff will update the council and community on the review of the issue(s), the action taken to address the issue, and a statement of what additional action is planned. Council may decide to refer an issue to staff and/or schedule the topic for a later council meeting.

Budget Decisions

- Budget cuts or increases are policy decisions. Budgets will not be cut "piece meal" or "across the board," but rather should be made in service or program areas, giving staff full opportunity to provide data clearly defining the anticipated impact of the action.

Council Liaisons

- Council liaison assignments are determined by consensus of City Council. The goal is to have assignments evenly divided between council members. When making assignments consideration should be given to continuity and the background, experience and expertise of individual councilors. Should two or more Council members seek appointment to a position, preference of the longest serving Council member may be a consideration.
- The role of the council liaison is to periodically attend board meetings, listen to the board discussion, set context for the board regarding council decisions/goals/policies and city priorities, answer questions and carry concerns and information to report back to the full council. Council liaisons may attend board meetings more frequently if attendance is requested

by the board. Councilors should make their role clear to the board when attending a meeting as a council liaison.

- Council liaisons are not to direct the business or decision-making process of the board and do not vote of matters before the board.
- Council liaisons do not initiate, propose or advocate for their personal position on a matter before the board.
- Council liaisons at times may advocate council actions on behalf of their assigned board. Great care must be taken to avoid the appearance of unfairness, conflict of interest or circumstances where such possibilities may exist (e.g., Planning Commission quasi-judicial matters).
- Council liaisons are expected to represent the city positively and promote constructive relationships with community volunteers and city partners. Failure to maintain positive relationships can result in the removal of a Councilor from committee assignments.

City Council Compensation

Section 2.44.020 of the Tigard Municipal Code provides for compensation for attendance at Council meetings and meetings for an intergovernmental board, committee or agency. The amount of the compensation for Council members may be reviewed and set annually by resolution of the City Council as part of the budget cycle. As part of the annual review, Council may elect to enter into an agreement with the Mayor or one City Councilor to assume additional responsibilities for additional compensation. The additional duties shall relate to representing the city on regional, state or federal issues and committees or task forces. The responsibilities and compensation shall be set by agreement between the Mayor or Councilor and the Council members. (Mayor Cook will serve as provided in Resolution No. 10-36: “The annual stipend for the Mayor shall be no more than \$42,000. It is the expectation of the City Council that the assignments given to the Mayor, over and above usual and customary assignments... (Described in Section 6 of Res. 10-36...will require an average of twenty (20) hours each week during business hours.”)

3. Mutual Expectations

Communication among Councilors

- Information received by a council member that affects the council should be shared with the whole council. The city manager is to decide on “gray areas,” but too much information is preferable to too little.
- Councilors and the city manager agree to report and discuss any contact that might affect labor relations with the entire council in Executive Session.
- No surprises or ambushes.
- Bounce ideas off each other by phone or informal conversation, always mindful not to form a quorum.
- Share substantive information that is relevant to a matter under consideration from sources outside the public decision-making process with my fellow council members and staff.
- It is the council’s job to govern itself. If a discussion is going overly long or if a discussion becomes heated or tense, a council member may consider calling for a point of order to suggest taking a break or deferring the discussion to a future meeting.

- The presiding officer should invite each councilor to express his or her opinion.

Communication with Staff

- Councilors are encouraged to avoid substantive contact with staff below the department head to avoid possible disruption of work, confusion on priorities and limited scope of responses.
- City manager shares information equally with councilors.

Communication with Boards and Commissions

- Council members may attend any board meeting, which is open to any member of the public. However, council members should be sensitive to the way their participation could be viewed as unfairly affecting the process.

Communication with Other Public Agencies

- Council members will be clear about representing the city or personal interests. If a council member appears before another governmental agency or organization to give a statement on an issue, the council member must clearly state whether the statement reflects personal opinion or is the official position of the city.
- If a council member is representing the city on a board, committee or at a public meeting, that council member will consistently support and advocate the city's official position on an issue and cannot foster or further a personal viewpoint that is inconsistent with the official city position.

Communication on Behalf of the City or the Council

- Do not provide the official response to communications directed to the full council. The city manager or mayor will coordinate the response on behalf of the city. It is appropriate for councilors to acknowledge receipt of communication and thank the sender.
- It is the policy of the council that if councilors are contacted regarding labor relations during labor negotiations or conflict resolution proceedings, then councilors have no comment.
- Communication that represents the city's position on an issue should come through city hall and be provided by the city manager. Direct submittals or inquiries to the council or individual councilors should be referred to the city manager, or councilors may ask the city manager to look into an issue.
- Make no promises on behalf of the council in unofficial settings. Council members will frequently be asked to explain a council action or to give their opinion about an issue as they meet and talk with citizens. It is appropriate to give a brief overview. Overt or implicit promises of specific action or promises that city staff will take a specific action are to be avoided.

Use of Electronic Communications Devices During Council Meetings

- Councilors shall not use electronic communication devices to review or access information regarding matters not in consideration before the council during a council meeting.

4. General Guidelines for Effective, Respectful Councils

- Recognize that you are seen as a councilor at all times, no matter how you see yourself at any particular time. Thus, councilors are always treated by administration as council members.
-

- Whenever you put anything in writing, assume that everyone in the city is looking over your shoulder.
- If a communication is directed to an individual councilor, you may choose to respond as an individual or refer to the city manager.
- Councilors are encouraged to maintain open communications with the city manager, both as a group and individually.
- Councilors are encouraged to take issues to the city manager first, giving as much information as possible to ensure a thorough response. In the absence of the city manager, councilors are encouraged to contact the assistant city manager. In the absence of both the city manager and the assistant city manager, councilors are encouraged to contact the department head, realizing that the department head will discuss any such inquiries with the city manager.
- Communicate clearly, directly and respectfully. Focus on problems and solutions, not people.
- Our goal is mutual confidence and respect with staff. Compliment staff members when they make good presentations. Be friendly. Attend staff occasions when you can.
- Be courteous.
- Honestly share concerns and opinions with each other.
- Don't blurt it out on TV.
- If you hold back in a meeting, follow up later with fellow councilors or the city Manager.
- Spend some casual time together.
- Practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of democratic governance. This does not allow, however, council members to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments.
- Avoid personal comments that are intended to, or could reasonably be construed to, offend other members or citizens. If a council member is offended by the conduct or remarks of another member, the offended member is encouraged to address the matter early with the offending member.
- Continue respectful behavior in private. The same level of respect and consideration of differing points of view deemed appropriate for public discussion should be maintained in private conversations.
- Even private conversations can have a public presence. Council members should be aware that they are the focus of the public's attention. Even casual conversation about city business, other public officials or staff may draw attention and be repeated.
- Understand proper political involvement. Council members, as private citizens, may support political candidates or issues but such activities must be done separate from their role as a council member.
- Be welcoming to speakers and treat them with respect by giving them full attention demonstrated by eye contact and active listening; avoid interrupting them with questions or comments. For many citizens, speaking in front of the council is a new and difficult experience.
- Council members should commit full attention to the speaker. Comments, questions, and non-verbal expressions should be appropriate, respectful and professional.
- Be honest with fellow council members, the public and others.

- Credit others' contributions to moving our community's interests forward.
- Make independent, objective, fair and impartial judgments by avoiding relationships and transactions that give the appearance of compromising objectivity, independence, and honesty.
- Review materials provided in advance of the meeting.
- Make every effort to attend meetings.
- Be prepared to make difficult decisions when necessary.
- Contribute to a strong organization that exemplifies transparency.
- Make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the city.
- Promote meaningful public involvement in decision-making processes.
- Treat council members, board members, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- Conduct myself in a courteous and respectful manner at all times.
- Encourage participation of all persons and groups.



CITY OF TUALATIN COUNCIL RULES

Adopted _____

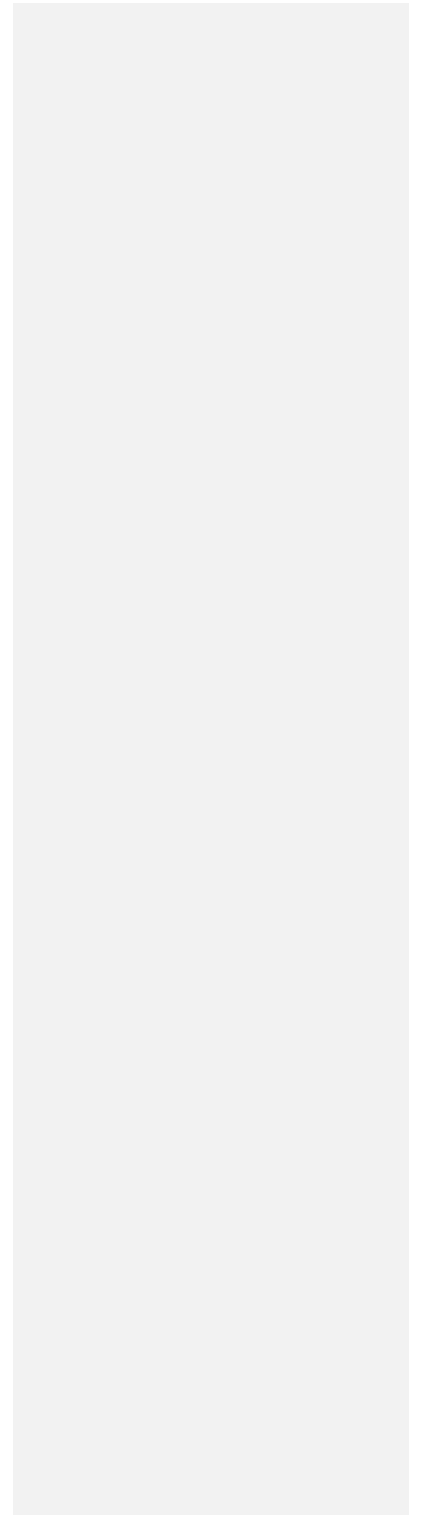


Table of Contents

RULE 1 - General Governance.....	1
RULE 2 – Meeting Time, Location, and Frequency	87
RULE 3 – Ordinances and Resolutions	1110
RULE 4 – Land Use Hearings	1413
RULE 5 – Motions, Debate, Public Comment and Voting	1817
RULE 6 - Minutes	2120
RULE 7 - Appointments.....	2221
RULE 8 – Ethics, Decorum, Outside Statements, and Social Media.....	2423
RULE 9 – Interactions with City Staff & City Attorney	2625
RULE 10 – Enforcement and Consequences.....	2726
RULE 11 – Amendment and Repeal of Council Rules.....	2827
RULE 12 – Finances and Travel Policy	2928

RULE 1 General Governance

A. Rules of Procedure.

1. Chapter IV of the Charter authorizes the Council to adopt rules for the governance of its members and proceedings. ~~Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings, and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11th Edition.~~
2. ~~To maintain orderly procedures, M~~members of Council ~~should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate and deliberations.~~ ~~are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before Council and confuse the public. Action items are debated and deliberated upon a motion with a second. Motions are approved by a majority vote of the members present when there is a quorum of the council. Dissenting votes are reported by name.~~
3. ~~Whenever these rules and Robert's Rules of Order conflict, these rules govern.~~

B. Council. The members of Council are the Mayor and the Councilors. There are six Councilor positions:

1. Council Position 1 – the term ends December 31, 2018 and every four years thereafter.
2. Council Position 2 – the term ends December 31, 2020 and every four years thereafter.
3. Council Position 3 – the term ends December 31, 2018 and every four years thereafter.
4. Council Position 4 – the term ends December 31, 2020 and every four years thereafter.
5. Council Position 5 – the term ends December 31, 2018 and every four years thereafter.
6. Council Position 6 – the term ends December 31, 2020 and every four years thereafter.

C. Quorum.

1. A quorum is required to conduct official City business. A quorum consists of three (3) Councilors plus the Mayor or Mayor pro tem.¹
2. In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official Council actions will be taken.

D. Presiding Officer.

¹ Charter Chapter IV, ("Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance."). See, Rule 1(D)(3) of these rules.

1. The Mayor is the Presiding Officer and presides over all meetings.
2. In the Mayor's absence the President of the Council, as Mayor Pro-Tem, serves as the Presiding Officer and presides over the meeting.
3. If both the Mayor and the President of the Council are absent from the meeting, the following procedure ~~must~~ may be utilized to determine the Presiding Officer for the meeting:²
 - a. ~~The City Recorder, or designee, must~~ Any present member may call the Council to order ~~and call the roll of the members of Council.~~
 - b. Those members of Council present ~~should~~ must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the ~~incumbent~~ members present on the Council to become the Presiding Officer for the meeting.³
4. Should either the Mayor or the President of the Council arrive at the meeting after it begins, the temporary Presiding Officer ~~should~~ must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

E. Other Officers.

1. **City Recorder, or designee.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meetings laws.
2. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and ~~may be permitted to~~ participate in any discussion when recognized by the presiding officer; however, the City Manager has no authority to cast a vote in any decision rendered by the Council.
3. **City Attorney.** The City Attorney serves as the parliamentarian of the Council and will advise the Council on any questions of order. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

F. Agendas.

1. The City Manager ~~should~~ must prepare an agenda for every meeting, including regular, special, and executive session meetings.

² Charter Section 33 authorizes the Council to fill temporary vacancies by majority vote of the "incumbent members."

³ The term "incumbent members" in the Charter means the entire Council minus any permanently vacant seats (e.g., resignation, death, permanent incapacity). For instance, if the Mayor and Council President are absent, but 5 Councilors are present at the meeting, a Councilor must receive at least 4 votes to become the Presiding Officer because there are 7 "incumbent members" of the Council. However, if two seats on Council are permanently vacant seats, then in the same scenario above, the Councilor must receive 3 votes to be the Presiding Officer because there are 5 "incumbent members." The term "incumbent members" does not mean a majority of those Councilors actually attending the meeting.

2. Agendas and informational material for meetings will generally be distributed to the Council at least seven (7) days preceding the meeting. However, in certain circumstances less time may be provided.
3. The agenda for a meeting does not require Council approval.
4. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
5. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer must announce such removal under announcements.
6. A member of Council who wishes to have an item placed on the agenda ~~should~~**must** bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.
- ~~7. As a principle matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.~~

G. Order of Business.

1. The order of business for all regular meetings ~~should~~**will** be as follows, however when it appears to be in the best interest of the public, the order of business may be changed ~~for any single meeting by the presiding officer~~**for a majority vote**.⁴
 - a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;
 - b. **Announcements.** Brief announcements relating to the community, including upcoming events and proclamations;
 - c. **Citizen Comments.** Public comments received concerning matters not on the agenda for the meeting;
 - d. **Consent Agenda.** Routine items to be adopted by one motion of the Council;
 - e. **Special Reports.** Reports of City Boards and Commissions, proclamations, special presentations, or reports.
 - f. **Public Hearings (Legislative and Other).** Public hearings on legislative land use matters;

⁴ Section 17 of the Charter provides the Mayor the authority to “determine the order of business under the rules of the Council.”

- g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters.
- h. **General Business.** Consideration of ordinances, resolutions, contracts, policy statements, and other items. General Business items may also include public hearings on those matters.
- i. **Items Removed from Consent Agenda.** Any item removed from the Consent Agenda will be discussed and voted on at this time;
- j. **Communications from Councilors.** Announcements and information provided by members of Council; and
- k. **Adjournment.** The conclusion of the meeting. Adjournment of the meeting is by majority vote of the members of Council present at the meeting.

H. Reports of Boards, Commissions, Committees, Elected Officials and City Employees.

1. When necessary, reports can be given to the Council by boards, commissions committees, elected officials and/or City employees.
2. When appropriate, reports to the Council should include written materials which are provided to the Council at least seven (7) days in advance of the meeting.
3. Oral reports to the Council should generally not exceed five (5) minutes in length.
4. The Council may ask questions of the presenter upon conclusion of the report being given.

I. Public Comment.

1. One (1) period for public comment will be reserved for every regular meeting of the Council.
2. Persons wishing to speak during public comment ~~should~~ must sign the "Speaker Request Form" and provide the person's name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.

5. ~~Generally, speakers will be called upon in the order in which they have signed the "Speaker Request Form."~~ Before providing any public comment, speakers must announce the person's name and place of residence to the Council. ~~The Presiding Officer may allow additional persons to speak even if the speaker has not signed the "Speaker Request Form."~~
6. Members of Council may, after obtaining the floor, ask questions of speakers during public comment. ~~In general, members of Council will not respond to comments made during the public comment agenda time, except to ask clarifying questions.~~ Any public requests for Council action will be referred to staff for review before placing it on a future agenda. ~~Any member of Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.~~
7. Speakers may play electronic audio or visual material during the time permitted for comment and may use available City-provided audio or visual equipment located in the Council chambers.

J. Consent Agenda.

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of Council by stating which item is to be removed ~~and the reason for removal.~~
4. ~~For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of Council must declare a conflict of interest.~~
5. ~~4.~~ Appointments to committees should~~must~~ not be placed on the consent agenda.

K. Ordinances and Resolutions – See RULE 3

L. Public Hearings Generally.

1. ~~A public hearing may be held on any matter upon majority vote of the Council.~~ Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak should~~must~~ sign the "Speaker Request Form" with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of

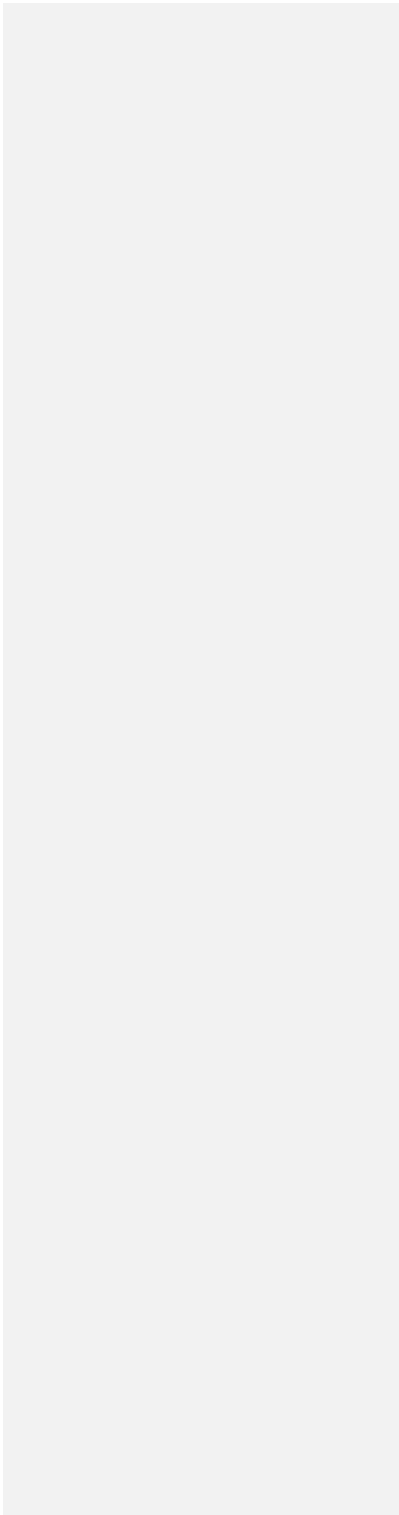
residence. All remarks must be addressed to the Council as a body and not to any member thereof.

5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council ~~should~~ must use restraint and be considerate of the meeting time of the Council when exercising this option. ~~Any member of Council may intervene if another member of Council is violating the spirit of this guideline.~~
7. Members of Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matter. The Presiding Officer may order the testimony, ~~alternating those speaking in favor and those in opposition, or have~~ing all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; ~~provided that the Presiding Officer must announce any such restrictions prior to the commencement of the testimony.~~
9. At the end of public testimony and questions of staff, the Council ~~should~~ must do one of the following:
 - a. Initiate deliberations by introducing a motion on the matter;
 - b. Continue the hearing; or
 - c. Keep the record open for additional written testimony.
- ~~10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.~~
- ~~11.10.~~ A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
- ~~12.11.~~ Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address,

including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1).

M. Conduct of Hearings on Land Use Matters – See RULE 4

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RULE 2 Meeting Time, Location, and Frequency

A. Regular meetings. The Council will generally hold regular meetings at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday in December. If a second or fourth Monday falls on a City-recognized holiday, the meeting will be held on the following business day.

B. Special meetings. Special meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the special meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of special meetings.
2. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Special meetings must be noticed in accordance with Oregon's public meetings law, and, at a minimum, must be noticed at least 48 hours prior to the meeting taking place.

C. Emergency meetings. Emergency meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the emergency meeting to each member of Council, and may provide notice to each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of emergency meetings.
2. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Emergency meetings are those meetings called with less than 48 hours' notice and the Council should~~must~~ identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
4. The minutes for any emergency meeting should~~must~~ specifically identify why the meeting constituted an emergency and was necessary.

D. Executive Sessions. Executive sessions may be called by the Presiding Officer, by the request of three members of Council, by the City Manager, or by the City Attorney.

1. Executive Sessions may be called for any purpose authorized by ORS 192.660, including but not limited to the following reasons:
 - a. Consider employment of a public officer, employee, or agent pursuant to regularized procedures for hiring adopted by the public body in meetings open to the public in which there has been opportunity for public comment. (ORS 192.660(2)(a)).
 - b. Consider discipline of a public officer, employee, or agent. (ORS 192.660(2)(b)).

- c. Conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d)). Conduct deliberations with persons designated to negotiate real estate transactions (ORS 192.660(2)(e).
 - d. Consider information or records exempt by law from public inspection. (ORS 192.660(2)(f)).
 - e. Consult with legal counsel concerning litigation or litigation likely to be filed. (ORS 192.660(2)(h)).
 - f. Review and evaluate the employment-related performance of the chief executive officer pursuant to standards, criteria, and policy directives adopted by the governing body. (ORS 192.660(2)(i)).
2. Only members of Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
 3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. Members of the media are not to report the issues discussed during the executive session.
 4. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.

E. Work Sessions. Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
4. Work sessions are to be scheduled by the City Manager.
5. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.

5-6. Members may request an item to be placed on a work session agenda during communications of work sessions or business meetings. A majority of the council is generally required to place the item on a future work session agenda.

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F. Location of Meetings.

1. Council meetings are expected to be held at City Hall, but a majority of a quorum may

decide to hold a Council meeting at an alternate site, consistent with these rules.

2. In the event City hall is not available for a meeting, the Council must meet at a venue open to the public and which is located within the jurisdictional limits of the City.
3. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
4. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, ~~but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.~~
5. No Council meeting must be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

G. Notice of Meetings. The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon's public meeting law and City codes.

H. Attendance at Meetings.

1. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.
2. Members of the Council ~~should~~**must** advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees.
3. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard. The preference of the Council is for all members of Council to attend in person.
4. ~~A member of Council may not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, must remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.~~
5. ~~The City Manager must track each member of Council's attendance at regular, special, emergency, and work session meetings, and assigned committee meetings. The City Manager must present to the Council a quarterly report of each member of Council's attendance.~~

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RULE 3
Ordinances and Resolutions

A. Ordinances. An ordinance is a law passed by the Council in its legislative capacity. ~~All ordinances considered by and voted upon by the Council must adhere to the rules outlined herein.~~

~~1. **Numbering.** The City Recorder, or designee, must number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the ordinance was introduced.~~

~~2. **Preparation.**~~

~~a. The enacting clause of each ordinance must be "The City of Tualatin ordains as follows:"~~

~~b. All ordinances must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney's designee.~~

~~c. No ordinance can relate to more than one subject, which must be clearly expressed in its title, and no ordinance, or section thereof, can be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.~~

~~3-1.~~ **Introduction.**

- a. An ordinance is introduced for consideration by the Presiding Officer for presentation for first reading.
- b. After introduction, the Council may direct by majority vote of the members present any of the following:
 - 1. A public hearing on the ordinance be held;
 - 2. Refer the ordinance to committee for review and recommendation;
 - 3. Refer the ordinance to the City Manager for further revision;
 - 4. Pass the ordinance to a second reading; or
 - 5. Reject the ordinance in whole or in part.

4. Readings and Final Action.⁵

- a. Every ordinance of the Council must, before final passage, be read fully and distinctly in an open Council meeting on two different days.
- b. However, an ordinance may be enacted at a single meeting, if the Council approves the ordinance by the unanimous vote of all Council members present. In such cases, the ordinance must be read first in full and then by title.

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⁵ This process is outlined in Charter Section 35.
CITY OF TUALATIN COUNCIL RULES

- c. Any of the readings may be by title only, instead of a full reading, if:
 - 1. No Council member present at the meeting requests to have the ordinance read in full; or
 - 2. A copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder, or designee, not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by: (i) written notice posted at the City Center; or (ii) advertisement in a newspaper of general circulation in the City.
- d. An ordinance enacted after being read by title alone has no legal effect if it differs substantially from its original terms, unless, prior to being approved by the Council, each substantial difference is read fully and distinctly at the meeting as finally amended.
- ~~e. The City Recorder, or designee, must take a "roll call" vote of each Councilor upon the final vote on an ordinance and the ayes and nays and abstentions of the members of Council must be recorded in the meeting minutes.~~
- ~~f. Upon the enactment of an ordinance, the City Recorder, or designee, must sign it with the date of its passage, the City Recorder, or designee's name and title of office, and within three days thereafter the Mayor must sign with the Mayor's name, and the title of office.~~

B. Resolutions. A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.

- ~~1. **Numbering.** The City Recorder, or designee, must number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the resolution was introduced.~~
- ~~2. **Preparation.**
 - ~~a. The resolving clause of each resolution must be "Be it resolved by the City Council of the City of Tualatin that:"~~
 - ~~b. All resolutions must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney's designee.~~~~

~~3.1. **Introduction.**~~

- a. Resolutions ~~should~~**must** be introduced by the Presiding Officer.
- b. After introduction of the resolution, the Council may direct that:
 - 1. A public hearing be held on the resolution;

2. Pass the resolution; or
3. Reject the resolution in whole or in part.

4. Readings and Final Action.

- a. Resolutions do not need to be read in full or by title at a Council meeting prior to adoption.
- b. An affirmative vote of a majority of the Council members present is necessary to pass a resolution.
- c. Resolutions may be placed on the Consent Agenda and may be considered as a group under the Consent Agenda.
- d. Resolutions may also be placed on the agenda as a General Business item.
- e. ~~For resolutions placed on General Business, the City Recorder, or designee, must take a "roll call" vote of each Councilor upon the final vote on the resolution and the ayes and nays and abstentions of the members must recorded in the meeting minutes.~~

RULE 4
Land Use Hearings

A. General Conduct of Hearings.

1. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized Citizen Involvement Organization (CIO) present the party's case.
2. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, , it must not be included in the record for the proceeding.
3. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
4. Upon being recognized by the Presiding Officer, any member of Council, may question any person who testifies.
5. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
6. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must note the numbers of such persons for the record in the minutes.

B. Quasi-Judicial Land Use Matters.

1. **Scope of Review.** All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
2. **Conflicts of Interest.**
 - a. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 1. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter; or
 2. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
3. **Ex Parte Contact.**
 - a. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Attorney before the meeting begins.

- b. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. See, ORS 227.180. If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

4. Burden of Proof.

- a. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- b. The decision of the Council must be based on the applicable standards and criteria set forth in the Tualatin Development Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- c. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

5. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

- a. Land Use Hearing Disclosure Statement. The Presiding Officer must read the land use hearing disclosure statement, which must include:
 - 1. A list of the applicable criteria;
 - 2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - 3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 - 4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
- b. Call for ex parte contacts. The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
- c. Call for abstentions. The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must

not participate in any discussion or debate on the issue of which the conflict arises.

- d. Staff summary. Planning staff will present a summary and recommendation concerning the proposal.
- e. Presentation of the Case. The presentation of the case will be as follows:
 - 1. Proponent's case.
 - 2. Persons in favor.
 - 3. Persons opposed.
 - 4. Other interested persons.
 - 5. Rebuttal. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- f. Close of hearing. Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of additional factual evidence, all parties must be afforded an opportunity for rebuttal.
- g. Deliberations. Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

~~6. Findings and Order. The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.~~

7. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

C. Legislative Land Use Matters.

- 1. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
 - a. **Call for abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
 - c. **Staff summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.

d. **Presentation of the Case.** The presentation of the case will be as follows:

1. Proponent's case.
2. Persons in favor.
3. Persons opposed.
4. Other interested persons.

e. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.

f. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

g. **Reopening hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

RULE 5
Motions, Debate, Public Comment, and Voting

A. Motions. The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. If a motion does not receive a second, it dies.
5. A motion that receives a tie vote fails.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone;
 - d. To refer; or
 - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

B. Motion to Reconsider.

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

C. Debate. The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

D. Public Comment.

1. The public is entitled to comment on all matters before the Council that require a vote.
2. Public comment will occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
3. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
4. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided a later time.
5. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
6. All remarks must be addressed to the Council as a whole. Any person creating an actual disturbance, which includes, but is not limited to making personal, impertinent, or slanderous remarks, becoming boisterous, threatening, or personally abusive while addressing the Council, or any applause, boos, or other public demonstrations by those attending the Council, may be requested to leave the meeting.

E. Voting. The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 4 of these Rules.

F. Reports. A majority of a quorum is required to approve or accept a report. However, no vote is required if the report is only for informational purposes.

G. Consent Agenda. ~~The unanimous~~ A majority vote of a quorum ~~all members of Council~~ present is required to approve the matters on a consent agenda.

H. Ordinances. An ordinance requires a majority of a quorum to pass.

I. Emergency Ordinances. An emergency ordinance requires ~~the unanimous~~ a majority of a quorum vote of ~~the all~~ Council ~~members present~~.

J. Resolutions. A majority of a quorum is required to pass a resolution.

K. Budget. The budget requires a majority of a quorum to pass.

L. Franchise Agreements. A majority of a quorum is required to pass an ordinance granting a franchise.

M. Suspension of Rules. A ~~majority of a quorum~~ unanimous vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the Charter may not be suspended or rescinded.

N. Votes. All votes must be recorded in the minutes.

O. Tie Votes. Tie votes indicate a denial of the motion or proposal.

P. Effective Date.

1. Ordinances take effect 30 days from the date of passage, unless a later date is indicated in the ordinance, in which case it takes effect on that date. However, the following ordinances take effect immediately upon passage:
 - a. Ordinances making appropriations and the annual tax levy;
 - b. Ordinances relative to local improvements and assessments; and
 - c. Emergency ordinances.
2. A resolution becomes effective upon adoption unless otherwise stated in the resolution.
3. The filing of a referendum petition suspends the effective date of an ordinance.

RULE 6 Minutes

A. Generally.

1. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder, or designee, in accordance with the appropriate record retention schedule.
2. The minutes must contain the following information:
 - a. The date, time and place of the meeting;
 - b. The members of the Council present;
 - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - d. The results of all votes and the vote of each member by name;
 - e. The substance of any discussion on any matter; and
 - f. A reference to any document discussed at the meeting.

B. Approval. The Council must approve all minutes of any meeting.

1. All minutes must be approved within ninety days of the meeting having occurred.
2. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
3. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

RULE 7 Appointments

A. Appointments of City Staff. The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of ~~a quorum~~the entire Council.

B. City Manager/Recorder. The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.

~~1. **Reviews.** The City Manager is subject to a review by the Council to be conducted in even-numbered years before the last Council meeting in December.~~

~~2-1. **Removals.** The City Manager may be removed by a majority vote of the entire Council.~~

C. Municipal Judge. The Mayor, with consent of the Council appoints and may remove the Municipal Judge, including pro tem judges.

~~1. **Reviews.** Any judge appointed by the Council is subject to an annual review by the Council.~~

~~2-1. **Removals.** All appointed judges may be removed by the mayor with consent~~a majority vote~~ of the entire Council.~~

~~3-2. **Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance may the Council interfere with the judge's exercise of judicial authority or discretion.~~

D. Council Subcommittees. Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.
2. Council subcommittees may be standing committees or other committees created under the rules of the Council.
3. The following are current Council subcommittees that have been previously created or are created by these rules. These may be dissolved by majority vote of the members of Council present at a meeting:
 - a. Council Committee on Advisory Appointments. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees.
 - b. Governance Committee. The purpose of the Governance Subcommittee is review the Council Rules and recommend amendments and changes to the full Council,~~conduct performance reviews of the City Manager and Municipal Judge, investigate rules violations and disciplinary matters of members of Council, and recommend disciplinary sanctions of members of Council to the full Council. A member of Council can refer a rules violation or other claim of violation by any other member of Council to the Governance Committee.~~

E. Appointments of Citizen Members to Boards, Commissions and/or Committees.

1. **Council Committee on Advisory Appointments.** The Council Committee on Advisory Appointments (CCAA) is a standing subcommittee of the Council. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees through the following general process:
 - a. The CCAA will conduct interviews of all candidates for appointment, including candidates wishing to renew their appointments.
 - b. After reviewing the candidates, the CCAA will vote on all recommendations and forward those recommendations to the full Council for consideration.
 - c. Upon receiving the recommendation from the CCAA, the Council will place the names for consideration on the regular meeting agenda as a General Business item.
 - d. The Council may consider the candidates submitted as a group or may consider each candidate individually.
 - e. The Council may accept, reject, or appoint any candidate, including those not considered by the CCAA.
 - f. All appointments must be by majority vote of the members of Council present.

RULE 8
Ethics, Decorum, Outside Statements, and Social Media

A. Ethics.

1. All members of Council must review and observe the requirements of state ethics laws.
2. In addition to complying with state ethics law, all members of Council must refrain from:
 - a. Disclosing confidential information.
 - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
 - c. Expressing an opinion contrary to the official position of the Council without so saying.
 - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.
 - e. Not profiting from their position on Council in violation of state law.
3. All ethics complaints received about a Councilor will be forwarded to the Oregon Government Ethics Commission (OGEC).

B. Decorum.

1. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
2. Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
3. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.
4. All audience members must abide by the rules of decorum contained in these Rules. No audience member may cause an actual disturbance, ~~which includes, but is not limited to, disrupting the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like.~~ Any audience member who creates an actual disturbance will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting.

C. Statements to the Media and Other Organizations

1. Representing City. If a member of Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may ~~only~~ state the official position of the City, as approved by a majority of the Council. The member may state

[their personal opinion being clear that they are not speaking for the council or making official policy statements on behalf of the City.](#)

2. Personal Opinions. If a member of Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor, before giving their statement.

D. Use of Social Media.

1. Members of Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
2. Under ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.
3. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.
4. The digital decorum of elected and appointed officials will be governed by Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Rule 8 (C)(Statements to the Media and Other Organizations) above in all social medial activities.
5. City Council members will refrain from posting comments that:
 - a. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
 - b. Express an opinion in a manner contrary to Rule 8 (C) (Statements to the Media and Other Organizations) above.

RULE 9 Interactions with City Staff

A. City Staff. All members of Council must respect the separation between the Council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
3. ~~Preclude limiting~~ individual inquiries and requests for information from staff unless directed to do so by the City Manager to those questions that may be answered readily as part of staff's day to day responsibilities. Questions of a more complex nature must be directed to the City Manager. Questions sent to staff must be copied to the City Manager.
4. Members of the Council must normally share any information obtained from staff with the entire Council when it involves an action item on a council agenda. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.

B. City Attorney. Members of the Council may contact the City Attorney directly without contacting the City Manager in the following circumstances:

1. When the issue involves allegations of misconduct by the City Manager;
2. ~~To discuss parliamentary procedures of these Rules; or~~
3. ~~To discuss substantive legal issues involving pending City business if the legal issue does not require more than 2 hours of the City Attorney's time.~~

RULE 10 Enforcement and Consequences

A. Enforcement. The Council may ~~enforce these rules and~~ ensure compliance with ~~City ordinances, charter, and~~ state laws applicable to governing bodies. If a member of Council violates ~~these rules, City ordinances,~~ the City charter, or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.⁶

B. Investigations and Hearings.

1. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of ~~these rules, local ordinance,~~ the City charter, or state laws applicable to governing bodies has occurred.
2. Before the Council may ~~publicly reprimand or~~ remove a member of Council, the Council must to the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).

⁶ Other than for the reasons stated in Charter Section 32, an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

RULE 11
Amendment and Repeal of Council Rules

A. Amendment. These Rules are subject to amendment by the Council.

1. Any proposed amendment to these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
2. All amendments to these rules require approval by a majority of Council.
3. Amended rules do not go into effect until the meeting after the rule was approved.

B. Repeal. These Rules are subject to repeal and replacement by the Council.

1. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
2. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
3. Any repeal and replacement of these rules requires approval by a majority [of a quorum](#) of Council.
4. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

RULE 12 Finances and Travel Policy

A. Financial Statements. Pursuant to ORS 244.050, members of Councilor are required to file annual Statements of Economic Interest (SEI) by April 15 of each year. For more information, see the Oregon Government Ethics Commission (OGEC) website on how to file.

B. Health Insurance. Pursuant to Resolution No. 3837-01, members of Council are entitled to receive the following health insurance benefits:

1. The Mayor may receive City health insurance benefits at the family level ~~or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers.~~
2. Councilors may each receive City health insurance benefits at the single employee level ~~or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers.~~ Councilors may obtain family level coverage by paying the difference in the cost of the family policy and the single employee policy.
3. The health insurance benefits provided are subject to the rules for enrollment and contractual conditions of the health insurance provider.

C. Technology Stipend. Pursuant to Resolution No. 5128-13, each member of Council is entitled to a technology stipend of \$750.00 to be received at the beginning of their initial terms of office.

D. Water Bill. Pursuant to Resolution No. 3216-96, each member of Council receives a \$20.00 monthly credit on their water bill.

E. Travel Policy.

~~1. **Adoption of Reimbursement Rates.** Members of council may be reimbursed for normal expenses incurred while carrying out their official duties at usual and customary rates. Councilors should use prudence in the expenditures. The recent rates established by the U.S. General Services Administration (GSA) are the maximum allowed by destination for reimbursement of per diem rates for meals and lodging, and the maximum allowed for privately owned vehicles for mileage reimbursement. The website to obtain the current per diem rates is www.gsa.gov/perdiem.~~

1.
2. **Registration Fees for Conferences and Trainings.** Members of Council are encouraged to take advantage of early registration to obtain discounted rates.

3. **Transportation.**

a. **Airfare.** The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/ departure times. If the member of Council makes first-class or business- class travel reservations, the member of Council must pay the difference between those rates and the coach rate.

b. **Vehicle Rental.** Vehicle rental is a reimbursable expense at the midsizecompact rate.

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- c. **Ground Transportation.** Ground transportation (e.g., taxis, buses, mass transit, and shuttles) is a reimbursable expense.
- d. **Individual Vehicles.** Members of Council will be reimbursed for City-related travel in their individual vehicles for the actual miles traveled at the GSA rate.

4. Parking.

- a. Parking fees are reimbursable for business purposes or attending training.
- b. Long-term economy parking at airports is expected to be used for airport travel of more than one day in duration.

5. Lodging.

- a. Reimbursement for lodging is authorized when the member of Council's business-related travel requires an overnight accommodation.
- b. Reimbursement will be at the reasonable and customary cost of a single standard room ~~at the per diem rate established by the GSA~~, or at the conference/training rate.
- c. The final itemized lodging bill is required when submitting for reimbursement of the expenditure.
- d. Any additional room charges room service, movies, personal phone calls, laundry service, etc. are the responsibility of the member of Council. If cell phone coverage is unavailable, business calls and reasonable personal calls will be reimbursed. ~~If in-room internet is necessary to conduct City business, the expense~~ is reimbursable.

6. Meals.

- a. The City will pay ~~the GSA per diem~~reasonable and customary rates for meals.
- b. Members of Council have the choice of an advance or a reimbursement for the total authorized per diem amount.
- c. When meals are provided as part of the conference or training, ~~no~~ reimbursement will generally not be given for that meal without proper cause. Conference "continental" is not considered a meal.

~~d. For a single day trip:~~

~~1. Breakfast—Reimbursed when travel begins before 10:00 a.m. and the one-way trip is at least 75 miles.~~

~~2. Lunch—Reimbursed when travel begins before 11:00 a.m., lunch is not provided in the training/ conference cost, and the one-way trip is at least 75 miles.~~

~~3-1. Dinner—Reimbursed when travel ends after 4:00 pm and the one-way trip is at least 75 miles.~~

~~e. For trips involving an overnight stay, meals will be reimbursed based on the time of departure:~~

~~1. Breakfast—Reimbursed when travel begins before 10:00 a.m.~~

~~2. Lunch—Reimbursed when travel occurs between 11:00 a.m. and 2:00 p.m.~~

~~3. Dinner—Reimbursed when travel occurs after 4:00 p.m.~~

~~f.d.~~ A member of Council may meet with and purchase a meal for others, including persons of other government jurisdictions and professional institutions from which an exchange of information is obtained that may aid the City in improving its efficiency, service, or governance.

F. Travel Advances and Reimbursements.

- a. Members of Council may choose to be reimbursed for expenses or receive an advance.
- b. For travel and training cash/check advances, members of Council should submit a check request to the City Manager ~~in a timely manner at least two weeks~~ in advance of the expected travel or training date, when possible.
- c. If a member of Council chooses to be reimbursed instead of an advance, the member of Council must submit the following:
 - i. A receipt is provided; or
 - ii. The expense report states the amount spent, who was present, ~~and the specific topic or project of discussion.~~
- d. Personal items and expenses of family members traveling with the member of Council are not authorized expenses.

A. Council Report Required for Expenses over \$250.00.

1. Any member of Council requesting reimbursement for an ~~amount, or series of connected amounts, that exceeds \$250.00, but less than \$1,500.00, event may~~ is required to give an oral or written documentation ~~of the event for the expenditure~~ to the Council. ~~The written documentation may be placed on the consent agenda for consideration by the Council.~~
2. ~~Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$1,500.00 must provide an oral or written report to the Council. The report cannot be placed on the consent agenda, but must be placed separately on the agenda for consideration by the Council.~~